

OPS Complaint File Closeout Report

OPS Control Number: 17-I-0285-AT Date Investigation Received: 5/17/2017

Date Investigation Completed: 6/6/2017 Date Investigation Adjudicated: 6/12/2017

Accused Employee: OFF LIONEL DELY R/S: B/M Unique ID: 6650

Accused Employee's Assignment: FOD Z3 EVE
DIVISION SECTION WATCH

Investigative Disposition:

	Work Rule #1	Work Rule #2	Work Rule #3	Work Rule #4	Work Rule #5
Rule Number(s):	4.2.34				
Disciplinary Action:	WR				
Modified Action:					
Disciplinary Category:	A				
Date of Action	6/16/2017				

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: Lt. S. H. Bennett Date: 7/26/2017



MEMORANDUM

TO: Major C. M. Murphy

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

DATE: July 7, 2017

RE: OPS FILE #17-I-0285-AT (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):

Written Reprimand ☒
Work Rule(s): 4.2.34 *JLG*

Suspension ☐
Number of Days:
Work Rule(s):

Non-Disciplinary:

Not Sustained ☐
Work Rule(s):

Exonerated ☐
Work Rule(s):

Exceptionally Closed ☐
Work Rule(s):

Unfounded ☐
Work Rule(s):



DO NOT REMOVE THIS DOCUMENT FROM FILE

MEMORANDUM

TO: Major J. B. Durant

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

DATE: June 15, 2017

RE: **OPS COMPLAINT INVESTIGATION #17-I-0285-AT**

Attached is OPS Complaint Investigation #17-I-0285-AT involving Officer Lionel Dely. Please have the appropriate supervisor issue a written reprimand to Officer Dely for Work Rule 4.2.34 (Abuse of Leave).

The file will need to be returned to the FOD/Administrative Office with the completed action by **Friday, June 23, 2017**.

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

JLG/mm



City of Atlanta Internal Correspondence

Atlanta Police Department

MEMORANDUM

TO: Major J. Durant
FROM: Major C. Murphy
DATE: May 17, 2017
RE: Command Investigation of OPS Complaint File: 17-I-0285-AT
Officer Lionel Dely

**ATTENTION: Pursuant to the Disciplinary Manual, section 4.2.2(5), the file should
Be completed and returned on June 07, 2017.**

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 S. Bennett at 404-658-6830.

Date Stamp the Appropriate Block

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

OPS CONTROL #: 17-I-0285-AT

[illegible]

ATLANTA POLICE DEPARTMENT SUPERVISOR COMPLAINT INVESTIGATION CHECKLIST

EMPLOYEE NAME: Lionel Dely

OPS CONTROL: 17-I-0285-AT

INVESTIGATIVE FOLDER

- | | | | | | |
|----------|--|--|--|--|--|
| <u>X</u> | 1. Disciplinary Complaint Folder Index | | | | |
| <u>X</u> | 2. Supervisor Complaint Investigation Checklist | | | | |
| <u>X</u> | 3. Preliminary Complaint Form (For all formal complaints) | | | | |
| | 4. Citizen Statements (Where applicable) | | | | |
| <u>X</u> | 5. Employee Statements | | | | |
| <u>X</u> | 6. Complaint Investigation Disposition Form (Command Investigations) OR
Complaint Transmittal Summary Memorandum (OPS Investigations) | | | | |
| <u>X</u> | 7. Any Supporting Documentation (See below list) | | | | |
- | | | | |
|--|-----------------|---|-----------------------|
| <div style="border: 1px solid black; width: 30px; height: 20px;"></div> | Offense Report | <div style="border: 1px solid black; width: 30px; height: 20px;"></div> | Lab Results |
| <div style="border: 1px solid black; width: 30px; height: 20px;"></div> | Accident Report | <div style="border: 1px solid black; width: 30px; height: 20px;"></div> | Photos |
| <div style="border: 1px solid black; width: 30px; height: 20px;"></div> | Medical Release | <div style="border: 1px solid black; width: 30px; height: 20px;"></div> | Video Tape/Audio Tape |
| <div style="border: 1px solid black; width: 30px; height: 20px; text-align: center;">X</div> | Other | <div style="border: 1px solid black; width: 30px; height: 20px;"></div> | Other |

Lt Clint Myers

Investigation Completed By

Date Completed

DETERMINE DISCIPLINARY ACTION

- X 8. Disciplinary Worksheet (Filled out by supervisor)

NON-ADVERSE ACTION

9. Oral Admonishment given to (Employee) _____ by _____
(Supervisor) _____ for rule _____ on _____
- X 10. Written Reprimand given to (Employee) _____ by _____
(Supervisor) C. Myers for rule Off Dely 9.2.34 on _____
- I have received a copy of this form X L Dely on 6/16/17
(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 _____

P - 2 - 1 - 1

ATLANTA POLICE DEPARTMENT PRELIMINARY COMPLAINT FORM

☐ OPS INVESTIGATION

☒ COMMAND INVESTIGATION

COMPLAINT NUMBER

OPS CONTROL NUMBER

17-I-0285-AT

DATE & TIME COMPLAINT RECEIVED				DATE OF INCIDENT				ADDRESS OF OCCURRENCE					
MO	DAY	YR	TIME	MO	DAY	YR	TIME	880 CHEROKEE AVE ATLANTA, GA 30315					
05	17	2017	1048	05	05	2017	1400						
BRIEFLY DESCRIBE ALLEGATIONS THE DEPARTMENT REQUESTS AN INVESTIGATION INTO THE ALLEGATION THAT OFFICER LIONEL DELY FAILED TO SHOW UP FOR HIS TOUR OF DUTY AFTER HIS OFF DAY REQUEST WAS DENIED ON 05/05/2017. APD.SOP.2010/4.2.34 ABUSE OF LEAVE "C" FOR COMPLAINANT, USE "P" FOR PARENT OR GUARDIAN, USE "W" FOR WITNESS, USE "S" FOR SUPERVISOR								AUDIO AND VIDEO TAPES THAT ARE PART OF THIS FILE					
								VIDEO TAPES OF INTERVIEWS		AUDIO TAPES OF 911 RADIO		OTHER TAPES	
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					
N/A								AGE	RACE	SEXUAL ORIENTATION	GENDER	CLASS	
								-	-	-	-	-	
CODE	NAME (LAST, FIRST, MI)							RACE	SEX	DOB			
C													
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					
N/A								AGE	RACE	SEXUAL ORIENTATION	GENDER	CLASS	
								-	-	-	-	-	
ACCUSED #1 NAME (LAST, FIRST, MI)								RANK	RACE	SEX	DOB	DOE	4 DIGIT ID NO
DELY, LIONEL								OFF	B	M			6650
DIVISION	ASSIGNMENT	SECTION	WATCH	ON DUTY	OFF DUTY	TMP ASGN	XTRA JOB	WEAPON	FIREARMS DISCHARGE ONLY		WEAPONS SERIAL #	# SHOTS	
FOD	ZONE 3	EVE	X	-	-	-	-	-			-	-	
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	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								INVESTIGATOR ASSIGNED				DATE ASSIGNED	DATE COMPLETE
SGT. M. MOZGAWA												05/17/17	

Myers, Clint V

From: Davis, John
Sent: Friday, May 05, 2017 3:58 PM
To: Myers, Clint V; Wiskemann, Michael; McEckron, Michael; Woolfolk, Ralph M.
Subject: OFFICER DELY FAILED TO SHOW UP FOR DUTY

Follow Up Flag: Flag for follow up
Flag Status: Completed

On 05-04-2017 I Sgt. J. Davis received a phone call from Officer Dely (time: 10:02pm). Officer Dely advised me that it was his birthday and that he was out of town and wouldn't be in tomorrow (05-05-2017). I then replied by asking him if he was on the books for tomorrow? Officer Dely replied, by saying that he turned in a leave request form, but it was denied. I then stated to him that if he's not here tomorrow we would have to see what the recourse of his actions are and we ended the phone call. On today's date: 05-05-2017 Officer Dely failed to show up for duty.

Sgt. J. C. Davis
Atlanta Police Dept.
Zone 3 Evening Watch

4-1-1



Atlanta Police Department

Roll Call Assignment Sheet



Day: Friday
Date: 5/5/2017

Zone: Three
Watch: Evening

UNIT	Vehicle #	Off Days	Status	ID #		Assignment
3391	31935	F/S	H	4440	Lieutenant Myers, C.	Watch Commander
3393	30999	W/T		5336	Sergeant Woolfolk, R (CIT)	Administrative Sergeant
3395		S/M	C/T	2558	Sergeant Wiskemann	Roust Sergeant
3399		S/M		6017	Clausen, E.	
3331		S/M		6607	Ellsworth, M.- Traffic Car	
3315					Wagon - Apply to LT	Howze (I -85 DETAIL)
3335	Detail car	S/S		6314	Atha, Z.	(Recruit S. Gauthier)

A SECTOR

3394	33414	M/T		4472	Sergeant McEckron, M. (TFO)	"A" Sector Sergeant
3301	32124	T/W		6779	Tabor, D.	
3302	32393	S/M		6603	Potter, M.	
3303	32394	M/T		6724	Fambro, D. *RESTRICTED*	
3304	32126	S/M		6501	Agenor, W. (MFF)	
3305	32395	M/T	V	6640	Powell, R. (MFF) *RESTRICTED*	Wiggins
3306	32396	S/S		6331	Rose, W.	
3307	32108	F/S	H	6633	Gachette, K.	Watson
3321	32397	F/S	H	6449	Slaton, D. (FTO)	-P-

B SECTOR

3396	33509	S/S		2527	Sergeant Davis, J. (FIT) (CIT)	"B" Sector Sergeant
3308	32112	T/W	C/T	6782	Smith, D.	Johnson
3309	32114	F/S	H	6569	Culbreth, T.	Wortham
3310	32129	W/T		6723	Copeland, N. (CIT)	
3311	33165	W/T		7068	Whitworth, S	(Recruit C. Gazaway)
3312	32109	M/T		6805	Morgan, D (MFF)	
3313	32113	T/F	H	6596	Hayes, B.	Fuller
3325	33166	S/S	T	6393	Floyd, W. (TFO) (FTO) (CIT)	-P-

Mobile Field Force (MFF)

Unit	Off Days	ID #	OFFICER	Unit	Off Days	ID #	OFFICER
LOAN	F/S	0090	SPO Bunch, C.- On Loan CID	H	T/F	6476	Raymond, K.
S/O	W/T	6650	Dely, L.	H	F/S	5343	Sebastian, J. (MFF)
3321	M/T	6725	Fuller, C.	3307	T/W	6880	Watson, C
3315	W/T	6670	Howze, A.	3309	S/M	6309	Wortham, A
3308	W/T	6798	Johnson, C.	H	T/F	6294	Williams, J.
M/L	T/W	6807	Njoku, I	3305	T/W	6788	Wiggins, H.

Tactical Field Operator (TFO)
 Patrol Rifle Certified (PRC)
 Crisis Intervention Trained (CIT)

COMMUNICATIONS (404) 614-6549

FOD ADMINISTRATION (404) 653-7980

5-1-2



Atlanta Police Department

Roll Call Assignment Sheet



Day: Saturday
Date: 5/6/2017

Zone: Three
Watch: Evening

UNIT	Vehicle #	Off Days	Status	ID #		Assignment
3391	31935	F/S	H	4440	Lieutenant Myers, C.	Watch Commander
3393	30999	W/T		5336	Sergeant Woolfolk, R (CIT)	Administrative Sergeant
3395		S/M	C/T	2558	Sergeant Wiskemann	Roust Sergeant
3399		S/M		6017	Clausen, E.	
3331		S/M		6607	Ellsworth, M.- Traffic Car	
3315					Wagon - Apply to LT	Wortham
3335	Detail car	S/S	H	6314	Atha, Z.	

A SECTOR

3394	33414	M/T		4472	Sergeant McEckron, M. (TFO)	"A" Sector Sergeant
3301	32124	T/W		6779	Tabor, D.	
3302	32393	S/M		6603	Potter, M.	
3303	32394	M/T		6724	Fambro, D. *RESTRICTED*	
3304	32126	S/M		6501	Agenor, W. (MFF)	
3305	32395	M/T		6640	Powell, R. (MFF) *RESTRICTED*	
3306	32396	S/S	H	6331	Rose, W.	Watson
3307	32108	F/S	H	6633	Gachette, K.	Wiggins
3321	32397	F/S	H	6449	Slaton, D. (FTO)	Fuller

B SECTOR

3396	33509	S/S	H	2527	Sergeant Davis, J. (FIT) (CIT)	"B" Sector Sergeant
3308	32112	T/W	C/T	6782	Smith, D.	Raymond
3309	32114	F/S	H	6569	Culbreth, T.	Howze
3310	32129	W/T		6723	Copeland, N. (CIT)	
3311	33165	W/T	C/T	7068	Whitworth, S.	Johnson
3312	32109	M/T		6805	Morgan, D (MFF)	
3313	32113	T/F		6596	Hayes, B.	
3325	33166	S/S	H	6393	Floyd, W. (TFO) (FTO) (CIT)	

Mobile Field Force (MFF)

Unit	Off Days	ID #	OFFICER	Unit	Off Days	ID #	OFFICER
LOAN	F/S	0090	SPO Bunch, C.- On Loan CID	3308	T/F	6476	Raymond, K.
S/O	W/T	6650	Dely, L.	H	F/S	5343	Sebastian, J. (MFF)
3321	M/T	6725	Fuller, C.	3306	T/W	6880	Watson, C
3309	W/T	6670	Howze, A.	3315	S/M	6309	Wortham, A
3311	W/T	6798	Johnson, C.	M/L	T/F	6294	Williams, J.
M/L	T/W	6807	Njoku, I	3307	T/W	6788	Wiggins, H.

Tactical Field Operator (TFO)
 Patrol Rifle Certified (PRC)
 Crisis Intervention Trained (CIT)

COMMUNICATIONS (404) 614-6549

FOD ADMINISTRATION (404) 653-7980

5-2-2

ATLANTA POLICE DEPARTMENT
Record of Counseling

Date 5/7/2017

Employee Lionel J. Dely

APD ID # 6650

Classification Officer

Date of Employment 7/13/2015

Division FOD Section Z3 Unit EW

Employee Status
☒ Permanent ☐ Probationary ☐ Other

I. Counseled Area(s)

- | | | |
|--|--|---|
| ☒ Attendance | ☐ Reporting | ☐ Leadership |
| ☐ Appearance | ☐ Reliability | ☐ Planning |
| ☐ Punctuality | ☐ Job Knowledge | ☐ Organizing |
| ☐ Use of Time | ☐ Productivity | ☐ Directing |
| ☐ Initiative | ☐ Work Quality | ☐ Follow-up |
| ☐ Judgement | ☐ Misuse of Equipment | ☐ Flexibility |
| ☐ Cooperation | ☐ Office Demeanor | ☐ Incomplete |
| ☐ Courtesy | ☒ Excessive Absences | Assignment |
| ☐ Other | ☐ Accountability | ☐ Court Appearance |

II. Specific Details of Reason for Counseling:

Officer Dely failed to report for duty on 5-5-2017 (Fri), the date of which he submitted a leave request form and was subsequently denied. 5-5-2017 is Officer Dely's birthday. In addition, the following day 5-6-2017(Sat), Officer Dely called Sgt. McEckron to advise he would not be able to make it to work as a result of traveling back into town late. The (2) sick-out days were in conjunction with Officer Dely's Off days (W/TH). This created four consecutive days off for Officer Dely. Officer Dely has sicked-out 13 times since January 1, 2017.

III. Controlling Procedure, Directive, Policy, etc.

Employees shall not misuse or abuse the leave policies, procedures, practices, or records of the Department.

IV. Controlling Rule
4.2.34

V. Proposed Corrective Action
Review of Sick-Leave Policy.
Written Counseling Form

Signature of Employee _____ Date _____

Signature of Counselor _____ Date _____

Reviewed By 6-1-1



City of Atlanta

Internal Correspondence

Atlanta Police Department

MEMORANDUM

TO: 17-I-0285-AT
FROM: Lt Clint Myers
DATE: 5/23/2017
RE: Ofc Dely's Use of Sick Leave

Below is officer Dely's use of sick leave history for the current year to date. Ofc Dely's off days are Wednesday / Thursday

1/13 (Conjunction with off days)
1/14
1/15
1/18
1/28
2/25
3/11
3/17 (Conjunction with off days)
3/18
3/24 (Conjunction with off days and 2x comp days on Monday / Tuesday)
3/25
3/31 (Conjunction with off days)
5/5 (Conjunction with off days)
5/6

Officer has called out sick a total of 14 times as of today date. Out of that, 5 times he called out sick in conjunction with his off days. Also, he called in sick two day in a row in conjunction with both his off days and time off request of two days.

ATLANTA POLICE DEPARTMENT EMPLOYEE STATEMENT

EMPLOYEE:

OPS #

EMPLOYEE NAME (LAST, FIRST, MI) John, Davis			CLASSIFICATION Sergeant	POSITION NUMBER 20646	DATE & TIME OF STATEMENT 06-01-17 /1515		
RACE B	SEX M	DOB [REDACTED]	DATE OF EMPLOYMENT 07-97	4 DIGIT ID NO. 2527	DIVISION FOD	SECTION Zone 3	WATCH Eve

Investigator's Name
I am **Lt Clint Myers** of the Atlanta Police Department You are being questioned as a **Witness**

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. Did you receive a phone call from Ofc Dely on 5-4-2017 regarding him not attending work on 5-5-2017? If so, please describe the conversation you had with him.

A. Yes I did receive a phone call from Officer Dely on 05-04-2017. I recall Officer Dely advising me that it was his birthday and he was still out of town or out with his family. I replied alright what can I do for you? An he replied he turned in a leave request form that was denied and asked about having off on 05-05-2017. I then replied by stating if your request was denied then you suppose to be in to work tomorrow. Officer Dely replied with an alright and we got off the phone with one another.

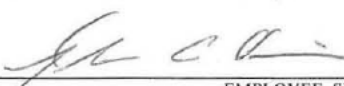
Q. Did Ofc Dely submit a time off request to you? If so, what happened to that request?

A. Yes, Officer Dely did submit a time off request form, but I'm not certain if it was handed to myself or not, but the (Not Approved) box was checked. That form here in the sergeants office I just removed it from the bend. (time 15:23hrs.)

Q. Did Ofc Dely call in sick or speak with a supervisor about not being able to report to work on 5-5-2017?

A. I never received a call or a message from 99 advising Officer Dely called out sick or to speak with a supervisor.

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 <u>1</u> day of <u>June</u> in the year <u>2017</u>	
<u>John C. Davis</u> PRINT EMPLOYEE NAME	NOTARY PUBLIC

P - 4 - 1 - 3

**ATLANTA POLICE DEPARTMENT
EMPLOYEE STATEMENT**

EMPLOYEE:

OPS #

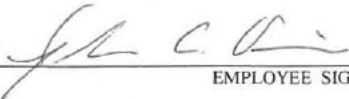
Q. Is there anything else you wish to add to this statement?

A. No.

Q. Should it become necessary in this investigation you may be directed to submit to a computer voice
stree analysis exam, will you submit?

A. Yes.

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 1 day of JUNE in the year 2017

John C. Davis

PRINT EMPLOYEE NAME

NOTARY PUBLIC

P - 8 - 2 - 3



ATLANTA POLICE DEPARTMENT

Awareness Statement: Truthfulness

OPS Complaint # 17-I-0285-AT

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

John C. Davis

(Employee's Printed Name)

[Signature]

(Employee's Signature)

6/1/17 1515

(Date/Time)

Lt. Clint Myers

(Interviewer's Printed Name)

[Signature]

(Interviewer's Signature)

6/1/17 1515

(Date/Time)

(Witness Representative's Printed Name)

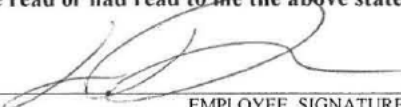
(Witness/Representative's Signature)

(Date/Time)

ATLANTA POLICE DEPARTMENT EMPLOYEE STATEMENT

EMPLOYEE:

OPS #

EMPLOYEE NAME (LAST, FIRST, MI) Dely, Lionel				CLASSIFICATION Officer	POSITION NUMBER 37882	DATE & TIME OF STATEMENT 6/4/2017 1842	
RACE B	SEX M	DOB [REDACTED]	DATE OF EMPLOYMENT 7/16/2015	4 DIGIT ID NO. 6650	DIVISION FOD	SECTION Zone 3	WATCH Eve
Investigator's Name I am Lt Clint Myers 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 <u>may not</u> be used against the employee in criminal proceedings involving the employee except in cases of perjury.							
Q. Did you turn in a leave request form requesting to be off Friday 5-5-2017? If so, was it approved or denied? A. Yes. It was denied. Q. Did you turn in a leave request form requesting to be off Saturday 5-6-2017? If so, was it approved or denied? A. I'm not so sure, I know I did Friday. Q. Do you have that leave request form you submitted? A. No sir. Q. On 5-4-2017 did you call Sgt Davis around 2202 hours and advised him that it was your birthday on 5-5-2017?							
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 <u>4</u> day of <u>June</u> in the year <u>2017</u> <u>Lionel Dely</u> PRINT EMPLOYEE NAME NOTARY PUBLIC							

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ATLANTA POLICE DEPARTMENT
EMPLOYEE STATEMENT

EMPLOYEE:

OPS #

A. Yes.

Q. What was the purpose of your phone call?

A. I called Sgt Davis to let him that I couldn't make it in because I was out with my family out of town and the last thing when I left Tuesday was I talked t Sgt Woolfolk about talking to Lieutenant about getting because my request was denied.

Q. During your phone call did Sgt Davis advise you were not on the books or approved to be off for 5-5-2017 or 5-6-2017?

A. He told me I wasn't on the books and basically I was out of town and I couldn't make it in.

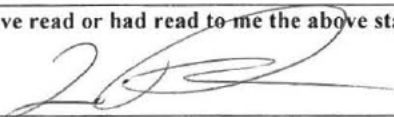
Q. Did you call in sick before roll call or did a supervisor have to call you? Also, which supervisor did you speak with?

A. I sent a text message to Sgt Woolfolk because I called and asked who was working that day. I called and I didn't get an answer so I sent a text message.

Q. Is there anything else you wish to add to this statement?

A. No.

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 4 day of June in the year 2013



PRINT EMPLOYEE NAME

NOTARY PUBLIC

P - 9 - 2 - 4



ATLANTA POLICE DEPARTMENT
Awareness Statement: Truthfulness

OPS Complaint # 17-I-0285-AT

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 J Delix

(Employee's Printed Name)

[Signature]

(Employee's Signature)

6-4-17 1833hr

(Date/Time)

Clint Myers

(Interviewer's Printed Name)

[Signature]

(Interviewer's Signature)

6/4/17 1640

(Date/Time)

(Witness Representative's Printed Name)

(Witness/Representative's Signature)

(Date/Time)

ATLANTA POLICE DEPARTMENT
Written Notice of Allegations

Employee: Lionel Dely

APD ID # 6650

OPS#: 17-I-0282-VA

Allegation: (Type Allegation and Work Rule #)
APD.SOP.2010-4.2.34 Abuse of Leave.

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.

 6-4-17

Employee Signature/Date

 6/4/17

Witness/Date

ATLANTA POLICE DEPARTMENT EMPLOYEE STATEMENT

EMPLOYEE:

OPS #

EMPLOYEE NAME (LAST, FIRST, MI) Woolfolk, Ralph				CLASSIFICATION Sergeant	POSITION NUMBER 32379	DATE & TIME OF STATEMENT 6/4/17 - 2030	
RACE B	SEX M	DOB [REDACTED]	DATE OF EMPLOYMENT 3/10/2010	4 DIGIT ID NO. 5336	DIVISION FOD	SECTION Zone 3	WATCH Eve

Investigator's Name I am Lt Clint Myers				of the Atlanta Police Department		You are being questioned as a		TYPE STATUS Witness
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. Did you receive a phone call or a message from Ofc Dely on Friday 5-5-2017 regarding him not attending work on that day? If so, please explain.

A. No.

Q. Do you wish to add anything to your statement?

A. I have text messages from him that I will provide you. However none of the messages occurred on the 5th.

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 4th day of June in the year 2017

Ralph M. Woolfolk
PRINT EMPLOYEE NAME

NOTARY PUBLIC

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ATLANTA POLICE DEPARTMENT
Awareness Statement: Truthfulness

OPS Complaint # 17-I-0285-AT

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

Ralph M. Woolfolk
(Employee's Printed Name)

[Signature]
(Employee's Signature)

June 4, 2017 8:28 pm.
(Date/Time)

Clint Myers
(Interviewer's Printed Name)

[Signature]
(Interviewer's Signature)

6/4/17 20:26
(Date/Time)

[Signature]
(Witness Representative's Printed Name)

[Signature]
(Witness/Representative's Signature)

[Signature]
(Date/Time)

← (770) 508-6399
Mobile



5/3/17 5:33 PM

Hey Sgt it's Dely you told me to remind you to talk to LT about Friday

5/6/17 1:11 PM

Hey Sgt this is Officer Dely I can't make it in today.

5/6/17 2:00 PM

Lt didn't approve your off time and you didn't show Friday. Everything okay?

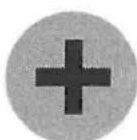
Sent

5/21/17 8:18 PM

Clear the following report out of your inbox tonight please sir:

1. 171072252

Sent



Type a message...

||- /- /



**ATLANTA POLICE DEPARTMENT
INVESTIGATION DISPOSITION FORM**

EMPLOYEE: Lionel Dely

OPS CONTROL #: 17-I-0282-VA

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

- Ofc Dely submitted a leave request to be off 5/5/2017, which was denied.
- On 5/4/2017 Ofc Dely contacted Sgt Davis by phone to let me know he was out of town and was not going to be in the following day.
- Sgt Davis explained that he was not approved to be off.
- On 5/5/2017 Ofc Dely did not report for duty.
- On 5/6/2017 Ofc Dely notified Sgt Woolfolk by text message that he "can't make it in today."
- From the first of the year to 5/23/2017, Ofc Dely has called in sick 14 times, 5 in conjunction with his off days, and once he called in sick two days in a row in conjunction with his days off and two comp days.

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

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

RULE <u>4.2.34</u>	SUSTAINED ☒	NOT SUSTAINED ☐	EXONERATED ☐	UNFOUNDED ☐	EXCEPTIONALLY CLOSED ☐
RULE _____	SUSTAINED ☐	NOT SUSTAINED ☐	EXONERATED ☐	UNFOUNDED ☐	EXCEPTIONALLY CLOSED ☐
RULE _____	SUSTAINED ☐	NOT SUSTAINED ☐	EXONERATED ☐	UNFOUNDED ☐	EXCEPTIONALLY CLOSED ☐
RULE _____	SUSTAINED ☐	NOT SUSTAINED ☐	EXONERATED ☐	UNFOUNDED ☐	EXCEPTIONALLY CLOSED ☐

IV. REVIEWING SIGNATURES (DOES NOT INDICATE AGREEMENT)

<u>Lt Clint Myers</u> INVESTIGATING SUPERVISOR	<u>6/6/17</u> DATE	<u>[Signature]</u> UNIT COMMANDER	<u>6/6/17</u> DATE
<u>[Signature]</u> ASSISTANT SECTION COMMANDER	<u>6/11/17</u> DATE	<u>[Signature]</u> SECTION COMMANDER	<u>6-12-17</u> DATE

Date: 6/6/17

Employee Disciplinary History: Charges with Active Reckoning Period			History by: <i>GAC</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		
NO DISCIPLINARY					4-2-34	A		WR
HISTROY WITHIN								
AN ACTIVE RECKONING								
PERIOD.								

Supervisor Completing Worksheet

Lt. Clint Myers

Typed Name & Title of Supervisor

6/6/07

Signature & Date

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

I concur

☒

Do not concur

☐

With the recommended discipline.

lt. List Nos

Typed Name & Title of Unit Commander

U.S. 6/6/17

Signature & Date

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

I concu



Do not concur

□

With the recommended discipline.

Capt. L. Bowring
Typed Name & Title

Typed Name & Title of Asst. Commander

Cyrt 2 B

6/7/17

Signature & Date

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

I concur

☒

Do not concur

9

With the recommended discipline.

Mag. J. B. Durant

Typed Name & Title of Section Commander

Mr. B. W. 6-12-17

Signature & Date

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

1 concu

☒ X

Do not concur

□

With the recommended discipline.

Deputy Chief J. L. Glazier

Typed Name & Title of Division Commander

D/C J. H. 6/15/17

Signature & Date

ATLANTA POLICE DEPARTMENT

LETTER OF WRITTEN REPRIMAND

EMPLOYEE NAME (LAST, FIRST, MI) Dely, Lionel	4 DIGIT ID NO 6650	OPS CONTROL # 17-I-0285-AT
An investigation was conducted where evidence was gathered to sustain a violation of employee work rule <u>4.2.34</u> entitled: <u>Abuse of Leave</u>		
Upon review of this official complaint, as well as your performance and disciplinary history, I have concluded that a Letter of Reprimand is sufficient and appropriate to address and remedy this situation.		
Therefore, you are hereby reprimanded for:		
4.2.34 Abuse of Leave: 1. Employees shall not misuse or abuse the leave policies, procedures, practices, or records of the Department.		
This Letter of Reprimand will serve to place you on notice that a future violation of a similar nature will result in more severe disciplinary action.		
Lt Clint Myers  DISCIPLINARY AUTHORITY		6/16/2017 DATE

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OPS FILE TRACKING LOG / OPS#

17-I-0285-AT

EMPLOYEE:

OFFICER LIONEL DELY

DATE RECEIVED	RECEIVED BY	DATE FORWARDED	FORWARDED TO	SUPERVISORS SIGNATURE

Pursuant to APD.SOP.2020-54.2.2 (5, 6, 7) Supervisors should maintain a log of complaint files and ensure that no investigation remains overdue without cause. The investigating supervisor will report the status of the investigation to his or her supervisor every seven calendar days. If the investigation extends beyond 14 days, the OPS commander must be notified.

If the investigation extends beyond 60 days, the investigating supervisor must notify the complainant of the status of the investigation and document the notification.

The investigation should be completed within 90 days. If the investigator cannot complete it within 90 days, he or she will send a memo through the chain of command to the OPS commander and to the accused employee specifying the reason for the delay. This documentation will become a part of the investigative file.



City of Atlanta

Internal Correspondence

Atlanta Police Department

MEMORANDUM

TO: Officer Lionel Dely
FROM: Major C. Murphy
DATE: July 27, 2017
RE: Disposition OPS Complaint File: 17-I-0285-AT

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
- ☐ Not-Sustained - the investigation did not develop sufficient information to prove or disprove the allegation stated in the complaint
- ☒ Sustained - the investigation did develop sufficient information to prove the allegation stated in the complaint 4.2.34 ABUSE OF LEAVE
- ☐ Unfounded - the allegation was without factual basis

CMM/kdm
cc: File