

# ***HENRY COUNTY POLICE DEPARTMENT***



*108 S. Zack Hinton Pkwy. • McDonough, Georgia 30253  
Phone (770) 288-8200 • Fax (770) 288-8400*



**Mark Amerman**  
**Chief of Police**

April 21, 2021

Mr. Riley Higginbotham

Dear Mr. Higginbotham:

Please be advised you are hereby terminated immediately from the Henry County Police Department for failure to meet probationary requirements. Turn in your assigned county equipment to the Quartermaster and turn in your final time sheet to Joni Miller. Human Resources will mail out your final employment packet to your current mailing address. Your final paycheck, along with any accumulated annual and holiday leave will be deposited into your designated depository account.

Best of wishes to you in your future endeavors.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Amerman".

Chief Mark Amerman

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## Henry County Police Department Personnel Conduct Report



### Purpose Statement

The Personnel Conduct Report shall be used to document violations of departmental policy that has the potential to result in adverse disciplinary action.

Prior to the Personnel Conduct Report being submitted to the Command Staff, the affected employee shall be given the opportunity to review the alleged charges. The employee shall certify, by signing the notification section of the report, that they have been advised of the charges, and have been given the opportunity to submit a statement on their behalf. This action shall be required of all affected members. Employee may, at the discretion of the investigating officer, or higher authority, be asked to submit a statement.

### Affected Employee

Employee Name: Riley Higginbotham	I.D. # 7799	Date of Hire: 09/14/20
Division & Watch: Uniform Patrol, Evening Watch South	Date: 03/31/21	Contact Number: [REDACTED]

### Initiating Officer

Name & Rank: David LeCroy Sergeant	I.D. # 5334	Contact Number: [REDACTED]
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### Witnesses

(Check Box if Statement Attached)

Name:	Statement	Name:	Statement
Justin Pena	<input checked="" type="checkbox"/>		
Jordan Hogan	<input checked="" type="checkbox"/>		
Jacob Cuddy	<input checked="" type="checkbox"/>		
	<input type="checkbox"/>		<input type="checkbox"/>

### Supporting Documentation

(Check Box if Attached)

Incident Report	✓	Intoxilizer Report		Vehicle Impound Sheet		Other:
Accident Report	<input type="checkbox"/>	Photographs	<input type="checkbox"/>	Off-duty Job Request	<input type="checkbox"/>	Other:
Use of Force Report	<input checked="" type="checkbox"/>	Complainant Statement(s)	<input type="checkbox"/>	Criminal/Driver History	<input type="checkbox"/>	Other:
ECD Supplemental	<input checked="" type="checkbox"/>	Officer Statement(s)	<input checked="" type="checkbox"/>	CAD History/Report	<input checked="" type="checkbox"/>	Other:
Vehicle Pursuit Report	<input type="checkbox"/>	Witness Statement(s)	<input type="checkbox"/>	Audio/Video Recordings	<input checked="" type="checkbox"/>	Other:

### Administrative Charges

This Disciplinary Action is issued in compliance with ARTICLE XIII SECTION VI of the HENRY COUNTY PERSONNEL POLICY MANUAL.

HCPD SOP: Maltreatment or Unnecessary force 105.02.29 (A)(B)	HCPD SOP:
HCPD SOP: Body Worn Cameras 326.03 (A)	HCPD SOP:
HCPD SOP:	HCPD SOP:
HCPD SOP:	HCPD SOP:

Employee Name: Ofc. Riley Higginbotham	Initiating Supervisor: Sgt. David LeCroy
<b>Applicable Administrative Charge</b>	
<b>Directions:</b> List all applicable HCPD SOP and ARTICLE XIII SECTION VI Violations and illustrate how each policy was violated by affected employee. Be as thorough as possible.	
<p><b>MALTREATMENT OR UNNECESSARY FORCE 105.02.09</b></p> <p>A. The unnecessary use of excessive force against any person(s) or property is prohibited.</p> <p>B. Employees will only use necessary force against another person to affect an arrest, prevent an escape, necessarily restrict the movement of a prisoner, or defend himself/herself or another from physical assault. In any event, only the nature and amount of force deemed reasonably necessary by a prudent person to accomplish a lawful purpose will be used.</p> <p><b>Body Worn Cameras (Legal Issues) 326.03 (A)</b></p> <p>Employees shall not share BWC recordings or photographs with anyone.</p> <p>Ofc. Riley Higginbotham violated the Unnecessary Force and Body Worn Camera policies on March 25, 2021 while conducting an investigation on a domestic dispute. He activated and discharged his county issued taser against a verbally confrontational subject. The suspect was standing still, not actively resisting, holding his cellphone recording his interaction with him, not presenting a physical threat, and was ignoring an unlawful command to put his cellphone down. At no point did the suspect threaten Ofc. Higginbotham, he took two steps forward in the direction of him when he got up from the couch. Ofc. Higginbotham told him to back-up and drew his Taser, pointing it towards the suspect, who did not take another step forward. No threats or acts of violence had been reported by the reporting party, the suspect's wife. The suspect was not actively resisting, posing a threat, nor was there probable cause he had committed a crime before the deployment of the Taser. Ofc. Higginbotham recorded his interaction with the suspect from his BWC video to his personal phone and then shared the video with Ofc. Justin Pena, Ofc. Jordan Hogan, and Ofc. Jacob Cuddy's personal phones later that evening.</p> <p style="text-align: center;">Attach additional pages, if necessary.</p>	
<b>Detailed Statement of Employee Conduct</b>	
<b>Directions:</b> Discuss in detail the facts and circumstances surrounding the events, which led to this Personnel Conduct Report. Be as thorough as possible.	
<p>On March 25, 2021 Ofc. Higginbotham responded to [REDACTED] in reference to a domestic dispute. The information obtained from Dispatch was the female caller, [REDACTED] claimed to be locked out of her house by her husband, who was drunk, and trying to leave. Ofc. Higginbotham arrived on the scene and saw a Ford F-150 in the driveway with its headlights on, parked in a manner to block in another sedan in the driveway. Mrs. [REDACTED] tells Ofc. Higginbotham that her husband, [REDACTED] was drunk when she came home and they got into a verbal argument. Mrs. [REDACTED] stated she told her son, on the phone, she was going to come to his house. That is when Mr. [REDACTED] parked his truck behind her sedan stating, "I don't know how you're planning on leaving but you ain't taking my car". Mrs. [REDACTED] was on the back porch of the house when this occurred. Mrs. [REDACTED] made no allegation of any physical violence or threats towards her by Mr. [REDACTED]. Mr. [REDACTED] made no allegations of threats, physical violence, or anything more than a verbal argument between spouses where both were stating the other was drunk.</p> <p>Ofc. Higginbotham went into the house with Mrs. [REDACTED] and spoke with Mr. [REDACTED]. During the his interaction with Mr. [REDACTED] he activated and discharged his county issued taser on Mr. [REDACTED]. Prior to the taser deployment, Mr. [REDACTED] was verbally confrontational, standing still, not actively resisting, holding his cellphone recording his interaction with him, was not presenting a physical threat, and was ignoring an unlawful command to put his cellphone down. At no point did the suspect threaten Ofc. Higginbotham, he took two steps forward in the direction of him when he got up from the couch. Ofc. Higginbotham told him to back-up and drew his Taser, pointing it towards the suspect, who did not take another step forward. The suspect was not actively resisting, posing a threat, nor was there probable cause he had committed a crime before the deployment of the Taser. Ofc. Higginbotham took a copy of his BWC footage of the tasing on his personal phone and shared it to Ofc. Justin Pena, Ofc. Jordan Hogan, and Ofc. Jacob Cuddy.</p> <p style="text-align: center;">Attach additional pages, if necessary.</p>	

Employee Name:  
Ofc. Riley Higginbotham

Initiating Supervisor:  
Sgt. David LeCroy

### Notification of Charges

I, Riley Higginbotham, certify by my signature that I have been notified of the administrative charges against me and have been given the opportunity to review the charges. I further certify that I have been given the opportunity to make a written statement to the record, which will be made a part of this report. I understand that my signing this Notification of Charges is not an acknowledgment of guilt of any charges contained herein, but is for the sole purpose of assuring proper notification of administrative charges against me.

This Disciplinary Action is issued in compliance with ARTICLE XIII SECTION VI of the HENRY COUNTY PERSONNEL POLICY MANUAL.

Employee Signature: *Riley Higginbotham* Date: 04/01/2021

### NOTARY

Sworn to and Subscribed before me - This 1 Day of April, 20 21

Notary Public Signature: *Joan A. Miller*

My commission expires: 1/9/2022



**Recommendation/Action**

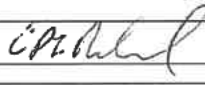
I recommend that Officer Riley Higginbotham's position with the Henry County Police Department be terminated.

Immediate Supervisor: Sgt. David LeCroy  Date: March 31, 2021

My recommendation for Officer Higginbotham is termination from the Henry County Police Department.

Shift Commander: Lt. David Gagnon Date: March 31, 2021

In reviewing this incident, I find the use of force to be improperly applied and the resultant arrest to be improper as well. Officer Higginbotham's file has several entries detailing instances where he clearly did not make good decisions, violated policies and or violated Constitutional guidelines in the pursuit of his duties. There are also entries relating to his reluctance to properly assist other officers and make proper use of force decisions (such as this case). Officer Higginbotham has lost the faith and confidence of his fellow officers who no longer wish to serve with him based on these issues. Termination to avoid negligent retention issues is my recommendation.

Precinct Commander: CPT. Richard Harned  Date: April 14, 2021


**I CONCUR WITH CAPTAIN HARNED.**

Division Commander:  Date: 4/15/21

I HAVE REVIEWED ALL THE DOCUMENTS PROVIDED IN THIS PACKAGE AND AFTER REVIEW I CONCUR WITH THE CHAIN OF COMMAND. I RECOMMEND THE TERMINATION OF OFFICER HIGGINBOTHAM FROM THE HENRY COUNTY POLICE DEPARTMENT.

Deputy Chief of Police:  Date: 4/19/21

After holding a Kelly hearing, I concur with Chain of Command, officer Higginbotham's employment with Henry County Police Department is terminated for failure to meet probation.

Chief of Police:  Date: 4/21/2021