Commission on Peace Officer Standards and Training
Peace Officer Standards Accountability Division
860 Stillwater Road, Suite 100
West Sacramento, CA 95605
www.post.ca.gov

STATEMENT OF FINDINGS

POST makes the following information available to the public pursuant to Penal Code §13510.85(c) which establishes that POST shall publish the names of any peace officer whose certification has been suspended or revoked and the basis for the suspension or revocation.

CASE NO.: POST2302222

SUBJECT OFFICER: Paphaychith Sivilay **POST ID:** C17-H92

EMPLOYING AGENCY: Riverside County Sheriff's Department

ALLEGED MISCONDUCT: 13510.8(b)(3)/11 CCR 1205(a)(3) – Physical Abuse & 13510.8(b)(1)/11 CCR 1205(a)(1) – Dishonesty.

CASE SUMMARY:

In February 2023, the Riverside County Sheriff's Department (RCSD) submitted a serious misconduct complaint to POST against RCSD Deputy Paphaychith Sivilay, hereafter "Respondent", alleging that Respondent had used excessive force against a restrained suspect by kicking the suspect five times in the head and then was dishonest in his subsequent reporting of the incident. Following POST's investigation and review, POST found, by clear and convincing evidence, that reasonable grounds existed for consideration of revocation pursuant to Penal Code 13510.8. A summary of the investigative findings of the Division are as follows:

On May 5, 2020, Riverside County Deputies responded to a report of a subject that displayed a Glock semi-automatic pistol to two employees who were walking in front of a business in Perris, CA. The suspect returned to the scene while a deputy was taking the report. The responding deputy attempted to make a traffic stop but the suspect vehicle sped off and a vehicle pursuit was initiated. The pursuit terminated in the parking lot of an apartment complex in Perris, CA. The driver of the vehicle and the front passenger fled the vehicle in different directions. Deputies pursued and caught up to the passenger (hereafter "Victim"), at an apartment. Respondent was one of the pursuing deputies. The Victim resisted and was taken to the ground by another deputy on the scene. The Respondent can be seen on body worn camera footage forcefully kicking the Victim in the head five (5) times. The Victim received multiple lacerations to his head and face, including a very large cut across his left eyelid, a broken nose and a broken left cheek bone.

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ANALYSIS/FINDINGS:

1. The alleged misconduct violated Penal Code Section 13510.8(g)(1)(A) and Title 11, California Code of Regulations Section 1205 (a)(3) – Use of Deadly Force Resulting in Serious Bodily Injury

Under Penal Code Section 13510.8(g)(1)(A), the Commission may initiate proceedings to revoke or suspend a peace officer's certification for conduct which occurred before January 1, 2022, for the use of deadly force that results in death or serious bodily injury.

Here, Respondent used unreasonable and deadly force when he kicked a suspect, who did not present an imminent or deadly threat and was being restrained by other deputies, in the head five times. This caused the Victim serious bodily injury in the form of multiple lacerations to his head and face, including a very large cut across his left eyelid, a broken nose and a broken left cheek bone.

2. The alleged misconduct violated Penal Code Section 13510.8 (b)(1) and Title 11, California Code of Regulations Section 1205 (a)(1) – Dishonesty

Penal Code Section 13510.8(b)(1) and Commission Regulation 1205 (a)(1) defines as serious misconduct: "Dishonesty relating to the reporting, investigation, or prosecution of a crime, or relating to the reporting of, or investigation of misconduct by, a peace officer or custodial officer, including, but not limited to, false statements, intentionally filing false reports, tampering with, falsifying, destroying, or concealing evidence, perjury, and tampering with data recorded by a body-worn camera or other recording device for purposes of concealing misconduct."

Respondent was dishonest when he failed to provide true and accurate information to his immediate supervisor after an incident involving use of force. In addition, Respondent was dishonest during his administrative interview when Respondent's statements of the use of force incident contradicted the statements from other witnessing deputies, inmate witnesses, and the victim.

OUTCOME/IMPOSITION OF DISCIPLINARY ACTION AGAINST PEACE OFFICER CERTIFICATION:

The Peace Officer Standards Accountability Division determined that reasonable grounds existed to seek revocation of the Respondent's certifications in this case. A notice of intent to revoke was served on May 21, 2024. Respondent did not file a request for review within the 30-day

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response period, pursuant to Penal Code section 13510.85 (a)(2), thus resulting in default revocation of Respondent's certification with no further proceedings. On July 23, 2024, the default order was issued and served on Respondent. Respondent Paphaychith Bo Sivilay (POST 2302222) (POST ID: C17-H92) peace officer certification was revoked on July 23, 2024.