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 California 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.: POST2321026

SUBJECT OFFICER: Anthony W. Hair **POST ID:** C88-L73

EMPLOYING AGENCY: San Diego Police Department

ALLEGED MISCONDUCT: CPC §13510.8(b)(1) / 11 CCR §1205(a)(1) – Dishonesty and CPC §13510.8(b)(4) / 11 CCR §1205(a)(4) – Sexual Assault

CASE SUMMARY:

In November 2023, the San Diego Police Department (SDPD) submitted a serious misconduct complaint to POST against SDPD Officer Anthony W. Hair, hereafter "Respondent", alleging that he was dishonest with his reporting relating to his actions following the arrest of a female for an outstanding warrant. SDPD investigated and sustained the allegations. 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 August 14, 2023, Respondent arrested and detained a female for an outstanding warrant. During transport to the detention center, the detainee engaged Respondent in conversation sexual in nature. Prior to arriving at the detention center, Respondent parked his patrol unit on a residential side street, turned off his body-worn camera (BWC), falsely notified dispatch that he had arrived at the detention center, and entered the rear passenger compartment with the female detainee, inadvertently locking himself in with her. Respondent and detainee were eventually extricated from the vehicle by another SDPD officer. A criminal investigation was initiated by SDPD, followed by an administrative investigation, to determine if the Respondent engaged in sexual misconduct with the female. On September 14, 2023, the Respondent resigned from SDPD, one day before his scheduled administrative interrogation.

ANALYSIS/FINDINGS:

1. **The Respondent's 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 dishonesty as "*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.*"

The Respondent was dishonest with SDPD personnel, criminal investigators, and in his written arrest report, as he created a false narrative that the female had a medical emergency, necessitating him to enter the rear passenger compartment with her. During her interview, the female related that the Respondent told other officers that she wasn't breathing as an excuse to get into the back passenger compartment.

2. **The Respondent's misconduct violated Penal Code Section 13510.8(b)(4) and Title 11, California Code of Regulations Section 1205(a)(4) – Sexual Assault.**

Penal Code Section 13510.8(b)(4) and Title 11, Commission Regulation 1205(a)(4) defines sexual assault as "*the commission or attempted initiation of a sexual act with a member of the public (any person not employed by the officer's employing agency and includes any participant in a cadet, explorer, or other youth program affiliated with the agency) by means of force, threat, coercion, extortion, offer of leniency or other official favor, or under the color of authority. For purposes of this definition, the propositioning for or commission of any sexual act while on duty is considered a sexual assault*."

The female propositioned the Respondent and offered sexual intercourse. The Respondent diverted from the detention center, parked on a dark residential street, and turned off his patrol vehicle's headlights and parking lights, further concealing his location. After the Respondent's BWC was removed and placed on the driver's seat, he entered the rear passenger compartment with the female, closing the door behind him.

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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 16, 2024. The Respondent did not file a request for review within the 30-day response period, pursuant to Penal Code section 13510.85(a)(2), thus resulting in default revocation of the Respondent's certification with no further proceedings. On July 23, 2024, the default order was issued and served on the Respondent. The Respondent Anthony W. Hair's (POST2321026) (POST ID: C88-L73) peace officer certification was revoked on July 23, 2024.