

# Chief Dyer says Fresno Police Department isn't broken, but still plans reforms

By George  
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- *The Fresno police department is not broken, Chief Jerry Dyer says in the wake of Deputy Chief Keith Foster's arrest on drug charges.*
- *But that isn't stopping Dyer from proposing a major reorganization of the department's command structure.*
- *Still, all eyes figure to be on a chief who has been no stranger to controversy in his nearly 14 years as Fresno's top cop.*

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It had to come, but no one thought it would be Keith Foster allegedly pushing dope.

Thursday's arrest of the deputy police chief on federal drug charges may have blindsided Jerry Dyer with the defining crisis of his time as Fresno's top cop.

Every Fresno police chief with any legs in the office gets one. The spectacle of Dyer's protege jailed for alleged ties to a pills-weed-heroin ring has all the makings of the chief's professional nemesis.

Is the Foster arrest a sign that Dyer, with nearly 14 years in the chief's chair, stayed too long?

Dyer's response: Ha!

"I don't know what the future has in store for me," Dyer said late Friday afternoon. "What I do know is, I want to put every bit of energy that I have over the next two years into this organization so that when I look back I will feel that I have left everything on the field."

Don't even suggest Foster is proof the department is broken.

"I don't believe the department is broken," Dyer said. "I do believe there are areas within an organization that need to be improved. We continuously do that."

But there's trouble brewing, and what has to be one of the strangest news conferences in Fresno history spotlighted City Hall's worry.

Mayor Ashley Swearingin, City Manager Bruce Rudd and Dyer gathered early Friday afternoon. Their stated purpose was to address Foster issues. What they delivered was a three-part warning to overly-inquisitive Fresnans:

- No mortal at City Hall could have foreseen the Foster trouble.
- Dyer is a great man.
- Crime is down, so be careful what you wish for.

Rudd squelched any hint of official skepticism.

"Do I think there is a wholesale need for change in the leadership of the Fresno police department?" said Rudd,

Dyer's boss. "I have not been presented with any information that would lead me to that conclusion. This is an unusual coincidence."

It would be hard to express sentiments more common in Fresno history.

The unexpected can hurt

Dyer owes his job to a couple of epic police-chief disasters.

Things began in 1977 when police officer James Conrad was fired for working security at a downtown department store at the same time he was collecting city pay while waiting to testify in court.

Harold Britton was police chief with immense support among Fresno's movers and shakers. Ralph Hanley was city manager.

Conrad wanted his job back. The Civil Service Board, which heard employee appeals, gave it to him. Britton was seen as partial to Conrad's plight. Hanley had no sympathy for Conrad.

Hanley went after Britton, saying the chief had two standards of justice, one for the rich, another for the poor. One thing led to another, and Britton in late 1977 was fired. It was revealed at the same time that federal crime-fighters refused to cooperate with Fresno units because of police department leaks.

The civil war between the city's pro-Britton and pro-Hanley factions didn't end until the following year. Hanley won. Britton hit the road.

One of Hanley's strongest supporters was Fresno's 20-something mayor, Dan Whitehurst. The fight turned Whitehurst into a local star.

Fast forward to December 1999. Several young men broke into a Fresno police bunker near Auberry and stole 200 pounds of explosives — enough in the hands of experts to destroy a tall building.

What followed was 18 months of heartache for Ed Winchester. The police chief had led Fresno through the deadly years of the mid-1990s when annual homicides almost topped 100. None of that mattered. Winchester alone took the heat for the bunker fiasco.

It soon emerged that police hadn't checked on the bunker's contents for more than a year. Winchester told a Fresno County grand jury in 2000 that he didn't know of the bunker's existence until after the theft.

Whitehurst returned from political oblivion in 2000 to run for mayor against Alan Autry. The fate of Winchester became perhaps the campaign's central issue. Autry gave the chief almost unqualified support. Whitehurst said major changes in the department's leadership might be needed.

The real reason for Autry's infatuation became clear soon after he took office. Winchester, hogtied by the bunker as surely as Britton had been by Conrad, announced his retirement in May 2001.

Winchester's assistant chief, the only cop seriously in the hunt for the job, was sworn in as Fresno's 20th police chief on Aug. 2, 2001. His name — Jerry Dyer.

Dyer might have found himself finishing his police career in a place like Stockton or Redding if Whitehurst had won. Instead, Autry got the police chief he wanted all along, Dyer had the job he always wanted and Winchester was out.

Dyer on Friday said he doesn't think Keith Foster will be his Jim Conrad or Auberry bunker.

"I do believe it's human nature at times to remember the bad," Dyer said. "But I also believe most people will choose to remember the good."

Reform at top looms

Everything at the end of the Britton and Winchester eras was stale.

Dyer, with some 35 years on the force, knows this. That's what makes him run so hard as he nears (May 3) his 56th birthday.

The chief is pushing for an overhaul of his command structure.

"We have not had an opportunity to promote any staff officers because of the recession," Dyer said. "We've had to move people over the last seven years to prevent complacency or stagnation by giving them new responsibilities and new assignments.

"But at some point we need to restructure the organization. We need to elevate people to higher levels of responsibility so we can plan for succession when I'm not here."

Dyer's reorganization amid the city's improving finances would have three deputy chiefs. Below them would be seven commanders, a rank new to the department.

The idea will need City Manager Rudd's blessing. Everything could be in place by summer.

Dyer said the next chief could come from the ranks of commander as well as deputy chief.

"My job is not to develop the next chief," Dyer said, "My job is to develop a team of individuals from which the next city manager and the next mayor could find a police chief."

The Foster incident suggests the reorganization is belated.

A big question is how Foster's alleged crimes could have gone unnoticed by cops he worked with and who are trained to spot trouble. Federal investigators, the FBI among them, nabbed Foster by themselves. Swearingin, Rudd and Dyer said they had no clue until told by the feds on Thursday.

The police department's current structure has Dyer at the top and four deputy chiefs: Pat Farmer, Robert Nevarez, Sharon Shaffer and Foster, who was put on paid leave after his arrest.

It was a troubled team even before the Foster arrest. Nevarez and Shaffer in 2011 sued Dyer and the city, claiming hostile work environment and retaliation. Everyone settled in 2012.

Dyer on Friday said Shaffer is retiring. But the box score is undeniable: Dyer's top executives, the people he was to nurture as potential successors, consist of a woman who has sued him, a man who has sued him and a man accused of dealing drugs.

The possibility that this constitutes something along the lines of a Jim Conrad or an Auberry bunker was broached at Friday's City Hall news conference.

The city manager shot it down.

To entertain such a thought, Rudd said, "I don't believe is appropriate."

The reason: It's personnel.

Events are in control

The Foster/Fresno police department drama could take off in many directions.

Obviously, things are in federal court.

Foster is charged with conspiracy to distribute and/or possess with the intent to distribute oxycodone, heroin and marijuana. There are five alleged co-conspirators.

Foster on Friday pleaded not guilty. He is now free while the case proceeds.

Foster's attorney, E. Marshall Hodgkins, asked the public to reserve judgment until things shake out.

Dyer said the police department's internal affairs unit is investigating various Foster issues. City officials said police auditor Rick Rasmussen will review the wisdom or failures of applicable department policies.

Law enforcement heavyweights are standing by the chief. John Gliatta, assistant special agent in charge for the FBI Sacramento office, and Fresno County District Attorney Lisa A. Smittcamp said they have confidence in Dyer.

Dyer became police cadet in 1979 and a sworn officer the next year. Controversy seems to be his most consistent partner. He's admitted he was no angel in his early adult years.

Yet, Dyer survives. He has been chief for a bit more than 10% of Fresno's 130-year history as an incorporated city.

Dyer said the day will come in retirement when he recalls incidents of great impact on his career.

Foster's arrest, he said, "might be one of them."

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