

## Facing federal drug charges, Fresno police Deputy Chief Keith Foster resigns from department

By John  
Ellis



Keith Foster speaks to the media in January 2012 after a murder-suicide at the Silver Lake Apartments.

MARK CROSSE/THE FRESNO BEE

Fresno police Deputy Chief Keith Foster, charged with multiple federal drug offenses and facing a Friday afternoon deadline to talk with Internal Affairs about the case, instead resigned from the department, effective immediately.

A Friday morning news release faxed by Foster's attorney, E. Marshall Hodgkins, said that "after much reflection, and on the advice of counsel, (Foster) has determined that his effectiveness in the department would be severely limited even if he is ultimately exonerated of the federal charges currently pending against him."

The decision came just hours before a 2:30 p.m. meeting with the police department's Internal Affairs division. Foster's attendance was mandatory, police Chief Jerry Dyer said in an interview.

"He had several options," Dyer said. "He could retire, which he did. Or he could provide a statement voluntarily. Or if he refused to provide a statement, then he would have been ordered to provide a statement, subject to threat of insubordination if he failed to, and termination."

Hodgkins sent a fax to the police department Friday morning saying that Foster had filled out his resignation papers at the city's employee retirement offices. Police department officials then confirmed Foster's retirement.

“Effective today, he’s no longer employed with the Fresno Police Department,” Dyer said.

Six people, including Foster, were arrested last week on various federal drug charges.

Foster, 51, who oversaw patrol operations for the department’s four districts, was arrested on suspicion of conspiracy to distribute and/or possess with the intent to distribute oxycodone, heroin and marijuana. He pleaded not guilty to the charges in a brief appearance in U.S. District Court in Fresno and was allowed to remain free while the case makes its way through the legal system. The maximum possible sentence Foster faces is 45 years in prison and a \$2.5 million fine.

Four of Foster’s alleged co-conspirators were denied release from the Fresno County Jail. A fifth defendant is, like Foster, free for now.

The news release from Hodgkins said neither he nor Foster would have any further comment on either his resignation or his employment status with the department.

“We accept Deputy Chief Foster’s resignation and continue to cooperate fully with the ongoing Internal Affairs investigation and the audit by the Office of Independent Review,” City Manager Bruce Rudd said in a statement. “Our objective is to ensure the integrity of our police department by completing these investigations in a thorough and timely manner and acting swiftly to implement any recommendations that come from these evaluations.”

Initially, Foster had been put on paid administrative leave while the department conducted an internal investigation.

Because Foster has now retired, the internal investigation on him will be suspended, Dyer said. Foster cannot be forced to cooperate with any internal investigation because he no longer works for the Fresno Police Department. A second internal affairs investigation will continue. That involves Foster and Fresno police detective Brannon Kirkland testifying before a state medical board in support of a local doctor known for writing medical marijuana prescriptions. That testimony occurred without Dyer’s knowledge.

Both Foster and Kirkland testified they were also patients of the doctor, Diego Allende.

That investigation is continuing, Dyer said, because of Kirkland’s involvement.

Dyer said he hopes to glean information from the Internal Affairs investigation and combine that with insights from the FBI in the Foster case so that his department can develop recommendations “that would allow us to identify and implement some reforms” that might keep the department from “going through the embarrassment that it has just gone through.”

It was unclear whether Foster’s position will be filled. Dyer plans to talk with Rudd and Mayor Ashley Swearingin about how to proceed. Dyer wants to reorganize the department’s command structure by July 1 with three deputy chiefs and seven commanders. Before Foster’s retirement, there were four deputy chiefs. The commander position would be a new rank.

In the meantime, Internal Affairs will make arrangements with Foster to get any personal belongings from his office.

Contact John Ellis: [jellis@fresnobee.com](mailto:jellis@fresnobee.com), (559) 441-6320 or [@johnellis24](https://twitter.com/johnellis24) on Twitter.