

Fresno police auditor: Keith Foster case shows department needs more training

By George
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Then-Deputy Chief Keith Foster speaks at a news conference in 2012. He resigned recently from the Fresno Police Department following his arrest on alleged drug trafficking and conspiracy charges. A report by the city's police auditor being released Tuesday says the Foster case highlights a need for more training, more diligence and more sunlight in the police department. MARK CROSSE — FRESNO BEE FILE PHOTO | [Buy Photo](#)

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A Fresno Police Department reeling from the spectacular fall of its No. 2 cop needs more training, more diligence and more sunlight, says the city's police auditor.

[Rick Rasmussen on Tuesday is unveiling](#) seven recommendations designed to restore public trust in a department listing badly since the March 26 arrest of then-Deputy Chief Keith Foster on federal drug-trafficking charges.

Rasmussen's advice includes a study of promotion policies, an independent inspection of each department unit and more internal discussion of each officer's ethical obligations.

Mayor Ashley Swearingin at a March 27 news conference promised a swift and firm response to Foster's shocking



arrest. Rasmussen's report figures to be only the start.

"The city manager (Bruce Rudd) and I support these recommendations," Swearingin said Monday afternoon. The report, she added, shows her administration's commitment to "restoring any level of trust that may have been compromised" by the Foster arrest.

At first blush, Chief Jerry Dyer said, "I don't see a problem" with the recommendations. But, he added, "the devil is always in the details."

The Rasmussen report adds another level of complexity to a story that already boggles the mind.

Foster, 51, was one of four deputy chiefs when the feds arrested him for being part of an alleged conspiracy to distribute marijuana, oxycodone and heroin.

He has since pleaded not guilty. He also resigned from a force he had served for nearly 30 years. Foster was allowed by a judge to remain free while others in the alleged conspiracy remain behind bars. He faces more ruin on top of a financial life already in tatters. He's facing the possibility of decades in prison.

He's looking at a trial that almost certainly would hypnotize the public.

Amid this drama, Swearingin and Dyer must stabilize their police department. Their effort begins with an emphasis on the structure of Rasmussen's report.

It's actually a routine affair, the kind of quarterly report that Rasmussen has been producing since 2012. This one is for the first three months of 2015.

The report begins not with Foster, but with a detailed look at officer-involved shootings, an issue that has rocked the Police Department for years. The Office of Independent Review (Rasmussen's domain) was started in Swearingin's first term in response to strong pressure from community activists upset with what they viewed as trigger-happy cops.

Rasmussen's report notes that the last officer-involved shooting was Oct. 20, 2014.

Give it another week, Dyer said, and the department will have gone six months without an officer-involved shooting.

"I can't remember that happening in the department since I've been here," said Dyer, a Fresno cop for some 35 years.

Added Swearingin: "It is a tremendous accomplishment."

The mayor sees the officer-involved shooting issue as the foundation on which Fresnoans should build their analysis of Rasmussen's seven recommendations. Her point is that City Hall has a track record of using the bureaucratic process to bring about positive change at the police department.

"It works," Swearingin said of the police auditor.

Here's a brief look at seven rather involved recommendations:

- The police auditor over the next two months should take a good look at policies for hiring and promoting officers. Left unsaid are questions tied to the Foster incident. Did he get bumped into a job he couldn't handle? Do the best officers have an honest shot at command positions?
- City Hall should hire an outside expert to do a unit-by-unit inspection of the entire department. Dyer's troops already do this, but it's done in-house. Rasmussen wants someone not beholden to anyone in the department or City Hall. Swearingin said the inspection might take two years. She hopes to begin in July.
- Officers going through their normal course of annual training should get a few additional hours of instruction on

things like ethics and the obligation to report misconduct.

- The department might consider a review of policies on employee use of alcohol and drugs.
- Officers who apply to become supervisors should fill out a financial disclosure form. This idea would have to clear any legal hurdles.
- Officers should be reminded that they must first let their boss know if they're slated to testify in any court proceeding. The backstory: Foster last year testified in front of a state medical board in support of a Fresno doctor known for writing medical marijuana prescriptions. Dyer on the day after Foster's arrest said he was unaware of Foster's testimony.
- The department should consider a review of all employees to ensure that they still embrace the professional standards that, as rookies, they promised to uphold.

Other reports are in the pipeline. For instance, Dyer on Friday reviewed a draft of an Internal Affairs look into the who-what-why of the Foster incident. Dyer said the report eventually will make its way to Rudd's desk. It's uncertain how much, if anything, will be made public.

For now, Swearingin and Dyer are walking a fine line.

There's a public demand for details on an alleged crime at the top levels of the Police Department that probably won't be satisfied until a trial.

Then there is leadership's desire to get public attention focused on something other than scandal.

The mayor and the chief appear to be walking in tandem, even if they use slightly different pronouns along the way.

"As these actions are being carried out, the public can and should have confidence that everything is being done to ensure that our police department continues to serve the public in the excellent manner they expect," Swearingin said.

Said Dyer of the Foster arrest: "It takes time to process. We're in that processing phase as an organization. We're going to move forward. We're going to continue to do the things that keep citizens safe and maintain their trust."

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