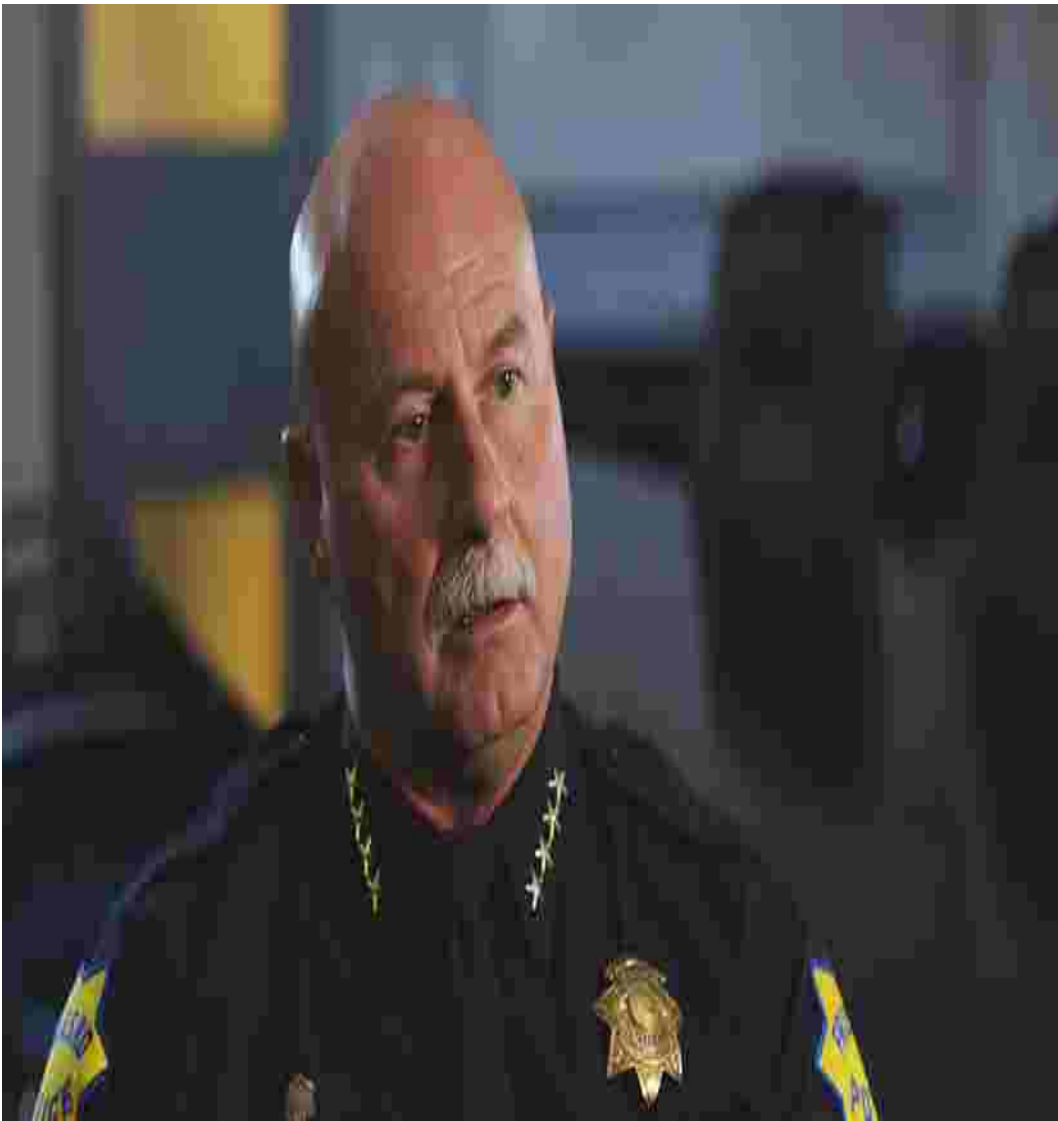


The Chief: The Remarkable — Sometimes Shocking — Career of Fresno's Top Cop

Fresno Police Chief Jerry Dyer, the 59-year-old son of a Fresno police officer, has amassed the kind of behind-the-scenes power that few police chiefs achieve.

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Fresno Police Chief Jerry Dyer (*Alexandria Fuller and Mary Newman*)

If Fresno were another place, Jerry Dyer's career might have ended in a federal courtroom two years ago. He had been called to testify in a case that, once again, portrayed Fresno not as the fifth-largest city in the state with forward-thinking institutions but a backwater of corruption a century and a quarter deep.

Dyer wasn't just any witness. He strode into the downtown courthouse wearing a crisp dark-blue uniform with four gold chief's stars popping out from the collar. He was in his late 50s, but his neck, chest and arms still bulged from decades of lifting weights. His signature mustache, now gray, was set off by a head completely shaven.

His 16-year tenure as chief had made him one of the longest-serving leaders of a big-city police department in modern California history. He had remained the

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EXPLORED IN 'UNEQUAL FROM BIRTH''

**Fresno's Economic, Racial
Inequalities Explored in 'Unequal
From Birth'**

chief by escaping scandal time and again — from front-page revelations that he had been investigated for sex with a minor to the bizarre case of one of his high-ranking officers and good friends turning up dead in front of Dyer's home under mysterious circumstances.

The case before the federal court now raised questions so troubling — about his administration of the police department, about his supervision of his right-hand man — that Dyer's conduct itself might have been on trial. His second-in-command, Keith Foster, had been charged as the kingpin of his own drug-trafficking organization. The two men had spent their careers side by side as Foster followed Dyer in every promotion. His office was the only one Dyer passed every day on the way to his own.

Foster's arrest on charges of conspiring to distribute heroin, marijuana and oxycodone had surprised even jaded City Hall watchers who had seen the FBI in the 1990s arrest dozens of local developers and politicians in a lengthy probe dubbed [Operation Rezone](#). But federal authorities accusing a top official in a major city of running a drug ring was different. So stunning was Foster's arrest that a top columnist in the city compared it to [the shock](#)

of the Pearl Harbor attack. Like many others in Fresno, the columnist expected Dyer and other city leaders to face tough questions about what they did and didn't know. As Dyer walked into the courtroom that spring day, the city's eyes were on him, waiting to see how he would answer for himself.

Strangely, Dyer hadn't been called as a witness for the prosecution. He was there on behalf of Foster's defense. When one of the prosecutors asked him to explain how he felt when he learned of Foster's arrest, he described emotions — shock, hurt and a sense of betrayal — in a flat tone that belied such feelings.

Over and over, he repeated that Foster had always had his full trust, right up to the day the deputy chief was hit with a seven-count federal indictment after he was pulled over by federal agents as he left his nephew's house.

As prosecutors continued their questioning of Dyer, they might have delved into why the police chief had missed or chosen to ignore flagrant signs of trouble. But prosecutors never asked the chief about Foster's finances, which had long ago spiraled out of control. He'd lost his house to foreclosure. He'd been hit with an IRS lien and his wages had been garnished after repeated failures to pay alimony and child support. All the while, according to his ex-wife, he lived a "lavish lifestyle," complete with furs, jewelry and expensive clothing.

They didn't ask Dyer why he maintained his trust in Foster even as the deputy chief was accused on two occasions of spousal and child abuse. Neither did prosecutors ask about accusations from two women that Foster

had sexually harassed and sexually assaulted them. All of this information was readily available in court documents open to the public. The only noteworthy testimony elicited by the feds from Dyer had to do with Foster's main line of defense: that he was working on the city's heroin problem and that's why he had repeated contacts with a major heroin dealer. Dyer told the jury that if Foster was working in such a capacity, he never produced a report on his findings.

And that was pretty much all the duress the police chief of Fresno faced. As he walked out of the federal courthouse into the sunshine, no probing questions came at him from the local media either.

One TV station described it as a "difficult day" for Dyer that "left him reeling" because of the disappointment he felt at seeing his former deputy chief on trial. Another broadcast a segment in which Dyer explained that "whether the allegations turn out to be true or not, the fact is, this investigation occurred, and Keith was arrested, and as a result I felt a sense of betrayal."

Nobody asked him why it took federal agents to catch a man that Dyer himself saw every day, a man who, according to a co-conspirator, had been trafficking drugs for seven years.

Two years later, Dyer is still the chief. And within the department, he says, "Keith Foster's not on anybody's mind."

It wasn't the first time Dyer escaped any real ramifications for problems in his department. Over the years, he's faced remarkably little scrutiny for someone who spends so much time in the public eye.



(Alexandria

Fuller)

In Politics, a Police Chief Who Seems Beyond Criticism

In Fresno, Jerry Dyer seems to be everywhere: church services, neighborhood barbecues, in full uniform at a Snoop Dogg concert. He can be seen smiling down from billboards reminding Fresnoans to drive safely. He appeared in uniform on a national TV ad for home-security company ADT, saying the company may have saved a Fresno woman. He even has his own bobblehead.

Dyer, the 59-year-old son of a Fresno police officer, has amassed the kind of behind-the-scenes power that few police chiefs achieve. When he was elected head of the California Police Chiefs Association in 2008, he held a three-day party in downtown Fresno featuring armored personnel carriers parading through the streets in what local activists described as a “coronation.” Eight years later, celebrating 15 years on the job, he was feted

by local politicians and celebrities at a black-tie event, with all three mayors he had served under praising him effusively, even as some 60 people gathered outside to protest the police killing of unarmed teenager Dylan Noble.

In 2015, three months after Foster's arrest, a Washington Post [profile](#) lauded his commitment to community policing and highlighted his department's practice of holding barbecues in an effort to connect with citizens. Dyer touts a laundry list of accomplishments, from [falling crime rates](#) to a [reduction](#) in traffic fatalities during his tenure. Fresno gangs are his bête noire, and he scored a major victory last year as leaders of the notoriously violent Dog Pound gang [pleaded guilty](#) to a wide range of federal charges.

In Fresno politics, Dyer seems to be beyond criticism. A review of articles in the local paper, the Fresno Bee, showed that no current City Council member has criticized Dyer in print, not even mildly (a former City Council president did once accuse him of being “arrogant”). And the city has rewarded him handsomely for his service: He [made over \\$247,000](#) in 2017, [more than](#) the police commissioner in New York City. No, Jerry Dyer is not a typical big-city police chief. Then again, Fresno is not a typical big city.

‘God’s Forgiven Me. My Wife’s Forgiven Me. This Department’s Forgiven Me’

Fresno began as little more than a railroad stop in California's Central Valley. The Central Pacific Railroad Co. [founded](#) the town in 1872. It was incorporated 13 years later and soon grew into an agricultural powerhouse.

The figure who casts the longest shadow on Fresno today is undoubtedly Hank Morton, the high-water mark of corrupt police chiefs in a town with no shortage of them. During Prohibition, federal agents considered Fresno County the wettest in the nation, and the local police ran the booze. But it was Morton, ruling the department from the '50s through the '70s, who elevated corruption to an art.

Replacing Chief Ray Wallace, who was sentenced to prison in 1950 for using his office to amass 1,700 acres of land, Morton quickly took control of the area's brothels, marrying Fresno's top madam. He consolidated power (and avoided prosecution) using a vast intelligence apparatus inside the Police Department dedicated to gathering blackmail material on political leaders.

After Morton's retirement, three separate federal organized crime task forces investigated the Fresno police, leading to a reform period in the department that lasted for two decades. That era ended with the appointment of Dyer's predecessor, Ed Winchester, who stepped down in disgrace in 2001 amid compounding scandals, including the disappearance of 11 pounds of cocaine and \$200,000 in cash from the evidence room. Jerry Dyer was born at the height of Morton's reign, in May 1959, and rose to department leadership under Winchester.

Dyer joined the force on May 1, 1979, just two days before his 20th birthday. His sister, Diane, also became a cop, and served on the Fresno force until 2011. Being a cop was in his blood, but he wasn't content to remain a patrol officer.

His appointment as chief was, perhaps, inevitable. His first major step was a two-year stint as public information officer, from 1995 to 1997. The name recognition he earned from frequent TV appearances helped him launch the defining project of his pre-chief years, the Skywatch helicopter program. He raised private donations to buy the department its first helicopters.

There was one other key piece of Dyer's rise, something that might not be expected to influence a career in government service: his identity as a born-again Christian.

He's a frequent guest at many Fresno-area churches, and is often spotted at prayer breakfasts and other public religious gatherings. In Dyer's telling, the story goes like this: In his 20s, he began drinking heavily, cheating on his wife and breaking police department rules (which rules, he won't say, but he does acknowledge being the subject of internal affairs probes while a beat cop.) In 2005, he [told a crowd](#) that as a young man he was "dishonest, egotistical, proud, arrogant and disobedient."

He had a revelation at the age of 32, when a friend suggested he go to church. In what Dyer sees as a sign from on high, the pastor spoke about the two problems plaguing his life: alcohol and adultery. He said he attended services the next two Sundays, and on the third Sunday, he experienced a rebirth, turning himself over to God and pledging to change his ways. He has an exact date for his spiritual awakening: Sept. 15, 1991.

Department leadership quickly noticed his newfound commitment to God — and, stemming from that, his commitment to doing the right thing and

working to help others. He rose quickly through the ranks and was named chief just under 10 years later.

Dyer has used his faith as cover to protect him from potentially damaging stories from his pre-religious past. He got his first chance to test his story's value almost immediately after he was appointed chief.

Fresno Police Chief Jerry Dyer

Fresno's then-city manager, Dan Hobbs, announced Dyer's appointment on July 18, 2001. Four days later, a front-page story in the Fresno Bee proclaimed: "Cops twice probed allegations Dyer had affair with girl, 16."

Dyer reportedly had sex with a 16-year-old girl when he was a 26-year-old officer in 1985. The accusation was investigated shortly after it was alleged to have occurred, and again in response to a citizen complaint after Dyer became department spokesman in 1995.

The Bee article was based on interviews with unnamed police sources who were privy to the investigations, as well as family members of the alleged victim, although the alleged victim herself would not confirm or deny the allegations. Contacted for this article, she declined to comment.

Dyer refused to deny the story, instead relying on his born-again image to excuse his past behavior.

"All I can tell you is that the relationships that I have had outside of my marriage, when I was a young man, have been dealt with," he told the Bee. "God's forgiven me. My wife's forgiven me. This department's forgiven me and looked into a lot of things in my past."

Dyer took his oath as police chief on Aug. 2, less than two weeks after the story came out.

Nearly 18 years later, even with the wave of powerful men felled by the #MeToo movement, no reporter or city leader has publicly asked him about it since the original article was published. And he still has not publicly denied the allegations.

He faced another public scandal just a few years later when a lieutenant named Jose Moralez was found dead, shot in the chest just 200 feet from Dyer's house. The chief was reportedly considering firing Moralez for lying. The shooting was ultimately ruled a suicide. But it's become something of an urban legend in Fresno and another bizarre chapter in the chief's lengthy career.

Dyer relied on his religiosity to build faith among his own officers, as well. In a 2005 department-wide memo, Dyer apologized for unspecified offensive comments he made, and he pledged to improve his performance at home, at work and at church. As part of his penance, he told his officers, "I will view teaching Sunday school as an opportunity to help and serve others and not as an obligation."

Bias Allegations Leveled Against Department From Within

Institutional racism has long plagued Fresno. Its majority-black 93706 ZIP code is the poorest urban ZIP code in the entire state. A person born just 10 miles away, in wealthy Northeast Fresno, has a life expectancy 20 years longer than a person born in the 93706.

Dyer himself is not immune to the racism endemic in the city. In 2011, two deputy chiefs, Robert Nevarez and Sharon Shaffer, sued Dyer personally, alleging he had created a hostile work environment in the Fresno Police Department.

“When referring to African-American individuals, including employees, DYER sings the antebellum slave song ‘Mammy’s little baby loves short’nin bread,’ ” according to Shaffer and Nevarez’s complaint. The deputy chiefs accused Dyer of many other racially and sexually charged comments, including referring to an Asian-American employee as his “little geisha girl,” making inappropriate comments about a subordinate’s breasts and joking that it’s OK to punch African-Americans in the face because they “don’t have bones in their noses.”

Fresno City Hall eventually settled their lawsuit, paying \$100,000 each to Shaffer and Nevarez, plus \$100,000 in fees and costs to their lawyer. But not before racking up \$820,000 in legal fees, according to the Fresno Bee, and exposing the chief’s behind-the-scenes behavior to public scrutiny.

Nevarez and Shaffer’s lawsuit didn’t mark the first time Dyer had run into trouble for what he had said at work. Years later, in response to the 2011 lawsuit, Dyer’s attorneys admitted he had made racially charged and sexually suggestive comments at staff meetings. They repeatedly relied on Foster’s status as an African-American as a shield against allegations Dyer’s remarks were racist. The Nevarez/Shaffer suit also shed light on another aspect of the department: Dyer’s close relationship with Foster.

“At the September 9 Meeting, a Fresno Bee article was discussed. This article quoted Captain Al Maroney calling Deputy Chief Keith Foster, Chief

Dyer's 'pet,' ” according to a filing by his lawyers. “Chief Dyer said to Deputy Chief Keith Foster, ‘If you are my pet, then you’re my Chia Pet’ and sang the first lines of the ‘Chia Pet song.’ ”

The lawsuit asserted that the reference to Chia Pets was a racial remark referring to stereotypes about African-Americans’ hair.

“Deputy Chief Keith Foster was not offended by the term ‘Chia pet’ at the September 9 Meeting,” Dyer’s lawyers wrote. Not every officer took Foster’s sanguine view. In an internal survey of officers’ attitudes in 2015, almost 20 percent said racial and gender bias was a “severe or serious problem” in the department.

‘Did you have confidence in him?’ ‘I did.’

The voice crackled through the courtroom speaker with the characteristic pops and hisses of a recorded phone call. “They want one of them?” And the reply, from a deeper, older voice: “Yeah, what’s the ticket?”

“It depends, how, how good of color they want?”

“I mean they, they, the very, very best.”

“The very, very best?”



(Fresno Police Department)

“Yeah.”

“Oh shit, shit, Unc, the very best right there is going at least seven. Not right now, at my cost now they’ll say about a rack for the best. We’re talking about some China white though, you know what I mean?”

“Hey man, hey, hey, hey you ain’t got to go, you ain’t got to go into all the det-. Hey meet me Friday and we’ll, and we, we gonna talk.”

It was in some ways a typical conversation between two drug dealers, complete with coded language — “ticket” meaning price, “a rack” meaning a thousand, “China white” referring to high-grade heroin — and an admonition not to go into detail on the phone. But one of the voices on the line, the one the younger man called “Unc,” was Deputy Chief Keith Foster.

Federal agents on the stand told a winding story, interspersed with headline-grabbing audio recordings like the conversation about “China white.” The story had three main threads, each about a different drug. Foster, they said, had gone into business with one nephew to sell marijuana. He had been prescribed 100 pills a month of oxycodone, which they charged he was selling to another nephew (the jury hung on the oxycodone charges, perhaps because Foster wasn’t heard on wiretaps explicitly talking about the pills.) Finally, he had agreed to purchase heroin for a female friend of his and then tried to buy it from a young man he had previously mentored in a gang-violence prevention program.

Dyer contended that he didn’t know about any of this. While it’s true that Foster had never before been found guilty of wrongdoing, he had been accused of it on numerous occasions. And Dyer certainly knew about the history of troubling allegations. There was the wife of a captain who had accused Foster of sexual battery at a concert. The child abuse claims his department had investigated and rejected, although a doctor had laid blame at Foster. And there were the money problems.

Yes, the sexual battery and child abuse allegations were investigated by the department and rejected. And money problems don’t necessarily mean a longtime, trusted officer will suddenly break bad.

But taken together, they might have prompted a deeper review.

Dyer made no mention of any of this when asked under oath if Foster ever had disciplinary problems.

“Did you have confidence in him?” asked Foster’s defense attorney, Marshall Hodgkins.

“I did,” Dyer answered.

‘I Have a Clear Heart and a Clear Conscience, 100 Percent’

The chief was not entirely unscathed by the Foster saga. Despite ongoing statements of confidence in him from the city’s political leadership, his own department was shaken by the trial. A half-dozen current and former officers interviewed for this article, most of whom did not want to be named for fear of retaliation, uniformly said they were stunned that Dyer didn’t face sustained scrutiny after Foster’s arrest.

In the end, the 54-year-old Foster was sentenced to four years in federal prison. In January last year, he surrendered himself to U.S. marshals to begin his term, which he is serving in Florence, Colorado, while drawing his full \$93,000-a-year police pension. A week after his arrest, Foster was allowed to retire from the department. He’s appealing the conviction. In an email from prison, Foster maintained his innocence.

To this day, Dyer has not said if the department investigated past cases that may have been compromised by Foster’s involvement. And he hasn’t offered any public comments about a deeper probe of his force, despite the fact prosecutors mentioned other officers who Foster tried to enlist to help his nephews.

UNSEALED: CALIFORNIA'S SECRET POLICE FILES

A Police Officer Used the N-Word on Duty. New Law Reveals He Got a Pay Cut. Is That Enough?

Bakersfield Police Broke 31 People’s Bones in Four Years. No Officer Has Been Disciplined for It

New California AG Continues to Withhold Important Police Records Despite 'Effort to Increase Transparency'

Other large cities around the state and country have done major reviews of their police departments after corruption scandals. The feds spent only four months looking into Foster who, according to one nephew, was helping deal marijuana for about seven years.

Dyer, upset by public records requests filed during the reporting of this story, refused to speak to this reporter. He called the requests “a slap in my face.”

“I have a clear heart and a clear conscience, 100 percent,” Dyer told editors of this story. He said he’s interested in looking forward, not back. He wants to make it to 40 years in the department, which will happen this year, when he’s technically required to step down.

Dyer said he hasn’t emotionally recovered from the pain of seeing his deputy and friend on trial. “Quite frankly, I haven’t gotten over it,” Dyer said. “It’s kind of like, you’re married and your wife betrays you.”

Dyer said that California’s Peace Officers Bill of Rights, granting broad labor protections to officers, ties his hands. The law, however, does not prevent him from checking into whether his officers had been accused of a crime. Nor is he barred from looking at publicly available documents, such as the divorce files, liens and child-support orders by the district attorney, to get a picture of an officer’s personal life. But in Foster’s case, he said, he had no reason to look deeper.

He has changed the way he reviews new hires and promotions, he said. He now asks them if there is anything in their personal life or finances that might affect their suitability for the job.

Dyer acknowledged that many of his actions may seem suspicious from an outside perspective.

“If I were in Berkeley, I would be saying, that chief’s probably corrupt, he’s probably Teflon, he’s untouchable,” he said. “That’s not me. ... I try to live a godly life and a good life. I have a calling, a passion, and things happen along the way that are out of your control.”

Andrew Beale is a reporter for The Press Democrat in Santa Rosa. He completed this article at the Investigative Reporting Program, part of the Graduate School of Journalism at UC Berkeley. Robert Lewis contributed research for this article.