Commission on Peace Officer Standards and Training
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On April 16, 2025, California Commission on Peace Officer Standards and Training ("POST") Law Enforcement Consultants Kevin Sherburne and James Saso interviewed Mel Fonthal[1] in a conference room located at 120 14th Street, San Francisco, California. Communications by the parties during the interview were electronically recorded. The recording will serve as the true and accurate record of the statements made by Fonthal. After being advised of the identity of the interviewers and the purpose of the interview, that being to obtain information related to allegations of serious misconduct, Fonthal provided the following information:

Fonthal has been with the San Francisco Sheriff's Office ("SFSO") for about 13 years. In that time, he has served approximately three years each in jails, patrol, criminal investigations, and the past three years in the Background Investigations Unit ("BIU"). He is a sergeant in BIU and was initially assigned to BIU in April 2022.

When he first started in BIU, Fonthal was the watch commander as sergeant. There was no lieutenant. About six to eight months after he arrived, SFSO restructured, adding the CCW program to BIU and added a lieutenant. That lieutenant is still in BIU and he is Darin Martindale.

BIU uses Guardian Alliance to track background investigations the investigators perform. Access to Guardian is limited to Personnel, Command Staff, and Background Investigators/BIU.

Deputy Ronnie Wan was in BIU prior to Fonthal's arrival. Now-Lieutenant Tiffany Martin was the sergeant at the time and she spent about six to eight months working to train Fonthal. Wan's assignment includes both Personnel and Background Investigator. At the time Kim applied, background files were assigned by either Martindale or Fonthal. Their tasks are not "super separated."

Fonthal worked with Kim about 12 years ago. He did not work under him and only saw him in passing. He does not have a relationship with Kim.

"Everybody" raised concerns and had comments about whether Kim should be rehired. Fonthal knew of his past and was concerned whether Kim could legally be a peace officer. Fonthal did not know what POST might say about Kim and did not know the outcome of any charges against Kim.

Although there were voiced concerns, BIU's responsibility was to conduct background investigations. The unit's response to the concerns was that he was legally allowed to apply just like everyone else and Kim was not the first to leave and come back to reapply at SFSO. There was no pressure from command staff to hire Kim. The direction to Wan was "work the file." Paul Miyamoto said, "just work it." Miyamoto just wanted to see a full file.

[1] On May 12, 2025, Kevin Sherburne revised the Report of Interview of Mel Fonthal to correct the identity of the witness being interviewed. The original incorrectly stated that Ronnie Wan was the witness.

Comments between Fonthal and Wan wee conversations, like about the open sexual harassment case.

Kim applied in 2021. Fonthal did not think the application went anywhere. At that time, BIU had more discretion what applications to work. Fonthal was unaware who determined not to work the application as a background investigation file. Now, there was a decision that every single applicant gets worked, no matter what. Fonthal never heard that the 2021 file was not worked because someone said they could not hire Kim. . . .you cannot tell someone that.

Shown an email dated November 30, 2023, from Fonthal to Kim, Fonthal stated it was a non-select letter. He was unaware what the sent emails looked like that Guardian generated based on his input into the system. When someone goes through the chain of command (ladder), at the end, if the Sheriff says "no," that's a non-select. That's the only non-select that they have. Everyone else is a disqualified.

Dr. Nucci did the first psychological evaluation of Kim. If there is a not suitable evaluation, Fonthal sends an official letter which details the conclusion of disqualification and the appeals process. The applicant has a chance to appeal and, if so, Fonthal sends another letter saying the appeal is received and says to the applicant to get an official doctor's evaluation. Fonthal sends a list of POST-approved doctors to the applicant.

Kim selected Dr. Dunnigan. Fonthal then sends Dunnigan's name to LEPS for review of whether Dunnigan is certified. After Dunnigan, it would go to a third – HR – doctor for final say on suitability.

Kim failed his first psychological evaluation because of the sexual harassment case. Kim told BIU that the complainant was a female who was against him and her allegations were not true. That investigation came back as not sustained, so Kim went back to Dunnigan and told him about the investigation's conclusion. Dunnigan did a re-evaluation and said Kim was suitable. Then, it went to a third doctor.

In BIU, there was internal discussion about Kim appealing Dunnigan's initial decision of not suitable. Fonthal was told to "pause" the background investigation and told to wait until after the sexual harassment investigation concluded. Sheriff Paul Miyamoto called Fonthal's office. Fonthal and Martindale share the same office. Usually, they spoke on speakerphone. It could have been over speakerphone. Miyamoto said to please continue the file. Miyamoto did not say anything about Kim possibly reaching out to him. The phone call occurred right after the not suitable finding came back (or in the same time period). Fonthal or Martindale would have told the Sheriff about the not suitable finding. Or, Fonthal told his captain and she forwarded it.

It's not a normal occurrence for Fonthal or Martindale to brief Miyamoto directly but it has happened. There was not an order to give updates to Miyamoto about Kim's background investigation but there was an "understanding" because Kim was one of them before and he's a "special case." When people leave SFSO, BIU gives command staff a

heads up on progress in the background investigations. Miyamoto has called BIU about other applicants.

There were obvious concerns about Kim's conviction.

Asked how often have you seen successful in overturning a "not suitable," Fonthal stated 1 in 10. Asked how often an applicant's own doctor provides a "suitable" finding, Fonthal stated 9 in 10. Fonthal has never seen an appeal of an appeal – or an applicant's own doctor making a finding of "not suitable" and the applicant appealing that decision.

Shown a letter addressed "To Whom It May Concern," Fonthal stated that the letter was attached to a report submitted by Dunnigan. Dunnigan said he received the letter. Fonthal did not talk to Dunnigan about the letter. He is not aware anyone talked to Dunnigan about the letter. Fonthal did not talk to Miyamoto about the letter. Fonthal has not seen Miyamoto write a letter on behalf of anyone else. Fonthal did not consider that Kim wrote the letter. Fonthal agreed the letter was not signed, not on letterhead, and undated.

The talk in BIU about the letter was "that's a first!" BIU did not question a doctor's conclusions. Fonthal has never seen a letter of recommendation attached to a psychologist's evaluation report.

Fonthal did not tell Kim to reach out to Dunnigan to appeal. It's possible Miyamoto or Martindale told Kim to do that. There was no official direction from anyone at SFSO that Fonthal is aware of to provide Kim guidance to appeal Dunnigan's evaluation. There is nothing against a second appeal. It's the third doctor's opinion that counts, so no matter what the second doctor says does not matter.

Asked about language in the letter about people at SFSO were comfortable with Kim returning to work as a deputy, Fonthal said that was not the official BIU position. BIU did not have an opinion. Fonthal is unsure who told Kim SFSO wanted him to return. Kim has lots of friends at SFSO, so maybe someone told him that. Fonthal can only assume that others would not speak officially on behalf of SFSO to say they were comfortable with Kim returning. It's possible that Kim was referring to the letter when he told Dunnigan that SFSO was comfortable. It's possible the Undersheriff or an Assistant Sheriff told Kim that they were comfortable with him returning.

Ladder is a term used in Guardian or SFSO for the approval process. Pages 373-74 and page 375 have a ladder. They look different to Fonthal, although they appear both to show the same result. When the ladder says that Martindale "approved" the file, it meant that the file was ready to be looked at. The ladder process includes emails sent to the chain of command and they sit at their desks and vote. The only person who matters in the ladder is the Sheriff.

Fonthal had not heard about any memorandum Kim wrote and gave to Matt Freeman.

Fonthal did not know a lot about any internal affairs ("IA") case against Kim. Fonthal would not have known procedures for IAs in 2014, if they were tolled pending a criminal investigation.

Fonthal did not read Kim's entire background file – he only got involved heavily at the point of Kim's appeal of Dunnigan's not suitable finding. Fonthal was not aware Kim had applied to CCSF.