

Member, Board of Supervisors  
District 7



City and County of San Francisco

## MYRNA MELGAR

February 9, 2021

Dear District Attorney Boudin, Chief Scott, Sheriff Miyamoto, Chief Fletcher, City Administrator Chu, Chief Miller, Commissioner Ray, Secretary Kim, and Chief Nunez:

I am writing to you all today with a heavy heart and in direct response to the tragic fatal collision last Wednesday, February 3, 2021, resulting in the untimely death of Sheria Musyoka.

While the Lake Merced area is in much need of Vision Zero improvements and greater speed management, this specific collision is more nuanced and needs to include conversations about how a suspect with a repetitive history of drug and alcohol abuse was released.

I have heard from various agencies investigating, including the San Francisco District Attorney and San Francisco Police Department, and there is an indication of pointing fingers while simultaneously stating that no one person can be blamed as this is a systemic issue. Further, in my briefings with agencies, my concern has only grown with what I can only categorize as a lack of intentional clarity.

The public has a right to information about inefficiencies within our government that led to fatalities such as last week's. I am formally requesting data on the early release process for Driving Under the Influence (DUI), toxicology processes, and reports. What is the process in which the District Attorney can take to have a suspect fulfill their maximum holding time? What laws need to change to hold drunk drivers and those under the influence under closer supervision? What does post-release community supervision entail and how has it proven effective? What assurances are there when a person under supervision continuously violates release and how does that factor into the District Attorney's decision for release? What does data on recidivism rate for alcohol and substance abuse-related cases look like in San Francisco? And are there any current changes being considered regarding this data? How long on average does the Medical Examiner take to close investigations on fatal collisions? How long does the Medical Examiner take to finalize a toxicology test? Could a suspect with a history of DUIs and parole violations be held until the toxicology results are returned?

I would like to formally request data on what funding mechanisms are needed to be put in place for successful prevention and substance abuse programs in San Francisco, San Mateo, and California. What are the current funding mechanics we have in San Francisco and California for substance abuse prevention? What are the current systems in place for a suspect's home supervision? How does cross-county collaboration work in cases such as the one involving this suspect? Could there have been better communication in place? What mechanisms exist to measure the success of intervention/ community supervision programs? Who "owns"/ monitors progress, success, and/or challenges with these programs?

Although I recognize there are systematic failures that impact both victims and perpetrators alike, I will not allow Agencies and Departments to simply redirect the blame without holding themselves accountable. We must identify collective failures and engage in meaningful impactful solutions.

I look forward to hearing your responses by Friday, February 26, 2021. If you have any questions about the scope of this request, please contact me at [Myrna.Melgar@sfgov.org](mailto:Myrna.Melgar@sfgov.org) or my staff at 415.554.6521.

Thank you.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Myrna Melgar', written in a cursive style.

Myrna Melgar  
Supervisor, District 7  
San Francisco Board of Supervisors