



Legislation Text

File #: Res 1574-2008, **Version:** *

Res. No. 1574

Resolution calling on the New York State Legislature to enact legislation amending the New York State Penal Law to include penalties for police officers prematurely leaving the scene of a crime or shooting without reporting the incident as soon as practicable.

By Council Members Mark-Viverito, Mendez, Palma, Sanders Jr. and Jackson

Whereas, On October 21, 2007, Jayson Tirado, accompanied by two friends, was driving on the FDR Drive and reportedly cut in front of off-duty Police Officer Sean Sawyer's personal car; and

Whereas, Mr. Tirado and Officer Sawyer were both diverted to the FDR's 116th Street exit due to a non-related accident; and

Whereas, Upon exiting the FDR, both drivers began arguing with each other, which reportedly resulted in the use of vulgarity and threats; and

Whereas, After the argument, Officer Sawyer reportedly attempted to get away from Mr. Tirado by driving westbound on 116th Street through red lights; and

Whereas, Mr. Tirado followed and caught up with Officer Sawyer on First Avenue and 117th Street and reportedly reached down towards the car floor yelling "Want to see my new Ruger?"; and

Whereas, Mr. Tirado then reportedly came up with his arm extended towards Officer Sawyer, as though holding a gun; and

Whereas, Officer Sawyer, reportedly believing that Mr. Tirado had a gun, proceeded to draw his licensed firearm and fired two shots towards Mr. Tirado's car, which prompted Mr. Tirado to speed away; and

Whereas, Mr. Tirado was struck in the upper torso by one of the two bullets fired by Officer Sawyer, fatally wounding him; and

Whereas, Officer Sawyer reportedly learned the results of the shooting from the news, nearly 19 hours after the incident; and

Whereas, Officer Sawyer reportedly left his apartment after learning of Mr. Tirado's death at 1 a.m. on October 22, 2007 and hailed an on-duty NYPD sergeant, reported what had happened, and turned his firearm over to the sergeant; and

Whereas, Officer Sawyer will not face criminal charges after a grand jury voted not to indict him, deciding that the shooting was justified; and

Whereas, Currently, under the New York State Penal Law (Penal Law), it is not a crime for police officer to fire his or her weapon, flee the scene of the shooting, and not immediately report the incident; and

Whereas, It is unthinkable that it is not a crime for a police officer to fire his or her weapon and leave the scene of the shooting without reporting it as soon as practicable; and

Whereas, The Penal Law should therefore be amended to include severe penalties for police officers who do not immediately report a discharge of their weapons and/or flee the scene of such shootings; now, therefore, be it

Resolved, That the Council of the City of New York calls on the New York State Legislature to enact legislation amending the New York State Penal Law to include penalties for police officers prematurely leaving the scene of a crime or shooting without reporting the incident as soon as practicable.

WJH
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