



POLICE DEPARTMENT

November 6, 2014

MEMORANDUM FOR: Police Commissioner

Re: Police Officer Marc Hummel
Tax Registry No. 950604
28 Precinct
Disciplinary Case No. 2013-10090

The above-named member of the Department appeared before me on July 31, 2014, charged with the following:

1. Said Probationary Police Officer Marc Hummel, while assigned to the 28th Precinct, on or about June 22, 2012, having been involved in a Department vehicle accident failed and neglected to notify a patrol supervisor to respond to the scene.

P.G. 217-06, Page 1, Paragraph 3 – DEPARTMENT VEHICLE ACCIDENTS
VEHICLE ACCIDENTS

2. Said Probationary Police Officer Marc Hummel, assigned as indicated in Specification #1, on the date as indicated in Specification #1, did fail and neglect to maintain said officer's Activity Log as required.

P.G. 212-08, Page 1-2 – ACTIVITY LOGS
COMMAND OPERATIONS

The Department was represented by Jessica Brenes, Esq., Department Advocate's Office, and Respondent was represented by John Tynan, Esq.

Respondent, through his counsel, entered a plea of Guilty to the subject charges and testified in mitigation of the penalty. A stenographic transcript of the mitigation record has been prepared and is available for the Police Commissioner's review.

DECISION

Respondent, having pled Guilty, is found Guilty as charged.

SUMMARY OF EVIDENCE IN MITIGATION

Respondent has been a member of the Department since July 6, 2011. Before becoming a New York City police officer, Respondent was a corrections officer for six years in [REDACTED]. He was never disciplined during his tenure as a corrections officer.

After completing his six month training in the Police Academy, in January 2012, Respondent was assigned to the 28 Precinct in Patrol Borough Manhattan North. There he remained on foot post for about six months. Then he was transferred to the Impact Auto Unit.

On June 22, 2012, Respondent was the driver of a radio motor patrol vehicle (RMP) with his partner, Police Officer Trevor Noelle. While driving eastbound in the vicinity of West 125th Street and Seventh Avenue, the officers received a radio transmission for a 10-85 "need additional unit." The request was for more officers to respond to an explosion of a transformer on Lenox Avenue and West 125th Street.

Respondent then had to make a U-turn to change direction. While he was backing up the RMP, he "touched" another car. This incident took place at about 1400 hours.

Respondent got out of the RMP to make sure that the driver of the other car was not injured. Respondent spoke with [REDACTED], the driver, for about two minutes. He asked the driver he needed medical attention. She told him she did not. There was no damage to her vehicle.

Respondent told the female motorist that he needed to respond to a call that was an emergency, but that he would come back as soon as the job was done. Respondent and his partner then went to respond to the location of the explosion. When he arrived, he was told that everything was under control and "given the okay to leave."

About 15 minutes passed from when Respondent left the scene of the accident to when he returned to it. But when he returned, the female motorist was no longer there.

Respondent then continued his regular patrol tour. During his tour, he made an arrest. Then he went back to the precinct to process the arrest.

While at the precinct, he overheard his sergeant trying to figure out who the driver of the RMP was who had been involved in an accident earlier. Respondent then told the sergeant what had happened. This conversation took place about 1600 hours.

At the end of his 24-month probation period, Respondent's probation was extended for six months.

PENALTY

In order to determine an appropriate penalty, Respondent's service record was examined. See *Matter of Pell v. Board of Education*, 34 NY 2d 222 (1974). Respondent was appointed to the Department on July 6, 2011. Information from his personnel record that was considered in making this penalty recommendation is contained in an attached confidential memorandum.

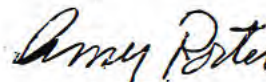
Respondent pled guilty to Specification No. 1, failing to notify his supervisor about the accident when it occurred, and to Specification No. 2, failing to document the accident in his activity log.

The Department Advocate recommended a ten day penalty with one-year dismissal probation. The Advocate explained that her recommendation was based on the prior administration's proposal to add one-year dismissal probation to Respondent's penalty.

Respondent's entry level probation had already been extended for six months because of this incident. Also, for this incident, Respondent had agreed to receive a Command Discipline, which was never finalized. Respondent never denied his misconduct. Two hours after the accident, when he overheard his supervisor asking about it, Respondent immediately admitted what had happened. In his three-year tenure as a member of the Department, Respondent has made forty-four arrests. It should also be noted that the Advocate stated that, based on case precedent, a ten vacation day penalty would be appropriate. For these reasons, dismissal probation for an additional one year is unwarranted.

Accordingly, it is recommended that Respondent forfeit ten vacation days.

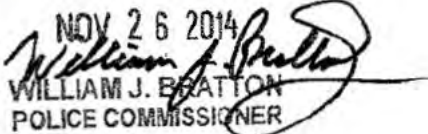
Respectfully submitted,



Amy J. Porter

Assistant Deputy Commissioner – Trial


APPROVED

NOV 26 2014

WILLIAM J. BRATTON
POLICE COMMISSIONER

POLICE DEPARTMENT
CITY OF NEW YORK

From: Assistant Deputy Commissioner -- Trials
To: Police Commissioner
Subject: CONFIDENTIAL MEMORANDUM
POLICE OFFICER MARC HUMMEL
TAX REGISTRY NO. 950604
DISCIPLINARY CASE NO. 2013-10090

For Respondent's last three evaluations, he received ratings of 3.0, 3.5 and 3.0.



Respondent has no prior formal disciplinary record.

For your consideration.



Amy J. Porter
Assistant Deputy Commissioner -- Trials