



**PIERCE COUNTY CIVIL SERVICE COMMISSION
MINUTES OF MEETING
Thursday, October 30, 2008**

AGENDA ITEM I: Call to Order

A special meeting of the Pierce County Civil Service Commission (PCCSC) for Sheriff's Employees was called to order at 5:08 p.m. on Thursday, October 30, 2008. The meeting was held in Courtroom 100, County-City Building, 930 Tacoma Avenue South, Tacoma, Washington.

COMMISSIONERS PRESENT: Commissioner Richard Sokolowski, Chair; Commissioner Gail Merritt-Smith

STAFF PRESENT: Sandy Pietz, Chief Examiner; Phil Prettyman, Deputy Prosecuting Attorney

AGENDA ITEM II: Hearing of Appeal – Gregg Marty

Chair Sokolowski stated the purpose of this special meeting is to hear an appeal by Gregg Marty regarding a one-day suspension and recognized Mr. Rich Wooster representing the Pierce County Sheriff's Department and Ms. Leann Paluck, representing Mr. Marty.

Chair Sokolowski noted that there are two Commissioners hearing the matter due to one Commissioner unable to attend and that the hearing would proceed on that basis. Hearing no objection, the hearing proceeded.

A summary of proceedings follows; a complete transcript of the proceedings is available in the Civil Service Office for review or purchase at the cost established by Pierce County for copies of public records.

Opening statements:

Mr. Wooster stated this matter involves a disciplinary suspension of one day and a direction for further training on the issue of handling domestic calls, investigating domestic violence calls. He identified the witnesses that would be called and gave a brief explanation of the purpose for each witness' testimony. Mr. Wooster stated the basis for discipline in this case is what Deputy Marty did and should have done on the night of the call. He stated the Department is asking that the Commission affirm the disciplinary suspension.

Ms. Paluck stated that the facts are not too much in dispute as to what occurred, but what testimony is expected to show is that under the statute there are certain requirements that have to be met as far as a mandatory arrest being made, one of which is the officer has to have probable cause to believe that a crime has been committed to make an arrest. Deputy Marty and Deputy Jank, the other officer at the scene, clearly testified throughout the investigation that they never made a determination of probable cause. Based upon significant inconsistencies in the parties' stories, both Deputy Marty and Deputy Jank made the determination they did not have probable cause to arrest either party.

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The statute requires that a determination be made as to who the primary physical aggressor is; they also did not make that determination. She stated Deputy Marty is asking that the suspension be overturned and expects that the testimony will show that it was impossible to determine which of these two people should have been arrested.

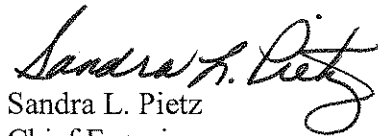
The hearing continued with witness testimony and presentation of exhibits.

The hearing was suspended for a break at 7:45 p.m. and reconvened at 8:20 p.m.

ADJOURN:

Following arguments presented by legal counsel(s), the meeting was adjourned at 9:15 p.m. and continued to Monday, November 10, 2008, beginning at 3:00 p.m. at a location to be announced.

Respectfully submitted,



Sandra L. Pietz
Chief Examiner