



## King County

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## King County

### Office of Law Enforcement Oversight

### King County Office of Alternate Dispute Resolution

## Mediation Program

### *Why consider mediation?*

*Alternate formats available upon request.*

**M**ediation is an alternate way of processing complaints against employees of the King County Sheriff's Office. The Office of Law Enforcement Oversight will identify cases in which parties might benefit from a face-to-face discussion. The mediation will be facilitated by trained professional mediators who will assure a facilitated discussion, and the information provided is confidential. This mediator is a neutral third party, experienced in helping people talk through and resolve their differences in a constructive way. If both parties agree, the complaint can be resolved through mediation, rather than the traditional investigation and discipline process.

#### ***What is a mediation session?***

- ◆ An alternative to the traditional complaint and disciplinary process.
- ◆ A voluntary, confidential process where a professional mediator will help a community member and Sheriff's Office employee talk and listen to each other.
- ◆ A chance for a Sheriff's Office employee to hear how their actions affected a member of the community and vice versa.

#### ***What will the mediator do?***

- ◆ Explain the process and the ground rules of mediation and answer any questions.
- ◆ Listen to both parties while remaining neutral and not taking sides.
- ◆ Ask questions to clarify what happened and identify central issues.
- ◆ Help keep the discussion focused, productive, and non-threatening.
- ◆ Not take sides, blame, or pass judgment.
- ◆ Certify the completion of the mediation and good-faith participation of the parties.

#### ***What a mediation session is not:***

- ◆ A process to make judgments about who is right or wrong. No evidence or witnesses are needed.
- ◆ A process where the parties are forced to shake hands and make up.

# Reasons to participate in mediation

## Benefits of using mediation

- ◆ Mediation allows a community member and a Sheriff’s Office employee to resolve the complaint themselves, rather than depend on the judgment of others.
- ◆ Mediation is more satisfying than the regular complaint process. Nearly all who have mediated in similar programs say they recommend the process.
- ◆ Mediation can make real differences in understanding, attitude, and behavior of the participants.
- ◆ Mediation can improve relationships between the community and the Sheriff’s Office.
- ◆ Mediation is cost-effective.
- ◆ Mediation is much faster than the traditional complaint and investigation process.

## Some reasons community members mediate

- ◆ To be heard fully and understood.
- ◆ To hear the perspective of a Sheriff’s Office employee.
- ◆ To speak directly to a Sheriff’s Office employee, rather than having the complaint decided by others.
- ◆ To give the Sheriff’s Office employee feedback.

- ◆ To prevent similar behavior.
- ◆ To regain confidence in law enforcement services and respect for its employees.

## Some reasons the Sheriff’s Office employee mediates

- ◆ To be understood. Sometimes a Sheriff’s Office employee does not fully explain his or her actions in the field.
- ◆ To hear what members of our community have to say.
- ◆ To speak directly with a community member, rather than having the complaint decided by others.
- ◆ To improve relations with members of our community.
- ◆ To resolve the complaint outside of the disciplinary process.

## Since the underlying incident was unpleasant, won’t mediation be the same?

Not necessarily. Mediation can work with difficult people and issues. Mediators are trained to help people resolve issues in constructive ways.

## What if the other party just wants to attack verbally?

The mediator will prevent the mediation from deteriorating to verbal attacks. While there may

be some venting (from either side), verbal abuse or threatening conduct are not acceptable in mediation. Mediators may ask the parties to work with the mediator individually or terminate the mediation session if necessary.

## Could something said in mediation be used against the parties later?

Mediation is confidential: all parties sign a confidentiality agreement. The contents of a mediation session are not subject to subpoena or discovery, and the courts have upheld the mediator privilege. The one exception is where mandatory reporting requirements apply for admissions of criminal acts by any party.

## What if I am unhappy with how the mediation session is progressing?

Either party can leave the mediation session at any time. No one is compelled to reach a conclusion or agreement.

## Will I have to apologize or admit wrongdoing?

No. You may not have done anything wrong. In any case, what you say is up to you. Some participants do apologize to each other—if they choose to do so.

## Some suggestions for mediating constructively

### Avoid temptations to blame or attack.

Casting blame or antagonizing others is most likely to make them defensive, or push them to fight back, rather than encouraging them to listen to you or see your point of view.

### Speak only for yourself and let others speak for themselves.

Avoid assuming that you know why the other party behaved the way they did. Instead, tell them how their behavior looked from your perspective, and how it impacted your behavior. Let them tell you what was going on from their perspective.

### Show them that you are listening.

Mediation requires listening. Each side needs to be heard.

### Talk it all through.

Talk out everything that is important to you, whether or not it is significant to others.

### Work toward a solution.

Try to focus on interests and solutions, not blame. The goal is to resolve the conflict and prevent similar ones.