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SUPERIOR COURT
YAKIMA CO. WA

STATE OF WASHINGTON
YAKIMA COUNTY SUPERIOR COURT

STATE OF WASHINGTON,

Plaintiff,

v.

CITY OF SUNNYSIDE; AL
ESCALERA, in his official and
individual capacities; MELISSA RIVAS,
in her official and individual capacities;
CHRISTOPHER SPARKS, in his official
and individual capacities; and JOEY
GLOSSEN, in his official and individual
capacities,

Defendants.

No. 20-2-00411-39

CONSENT DECREE

(CLERK'S ACTION REQUIRED)

CONSENT DECREE

ATTORNEY GENERAL OF WASHINGTON
Civil Rights Division
800 Fifth Avenue, Suite 2000
Seattle, WA 98104
(206) 464-7744

I. INTRODUCTION

1.1. The State of Washington (State), by and through its attorneys, Nicholas W. Brown, Attorney General, and Neal Luna, Alyson Dimmitt Gnam, and Diane Lopez, Assistant Attorneys General, filed this action against the City of Sunnyside (City) and individual Sunnyside Police Department (SPD) Officers in their official and individual capacities (Defendants) to challenge Defendants' enforcement of Sunnyside's Crime Free Rental Housing Program (CFRHP), Sunnyside Municipal Code (SMC) § 5.02. The State seeks to prohibit Defendants from violating Sunnyside residents' rights to due process under the United States and Washington Constitutions, U.S. Const. amend. XIV, § 1, and Const. art 1, § 3, and from discriminating against residents on the basis of national origin, sex, or familial status in violation of the Fair Housing Act (FHA), 42 U.S.C. §§ 3604(a)-(b), and the Washington Law Against Discrimination (WLAD), RCW 49.60.030(1)(c) and .222(1)(b), .222(f). The State also seeks monetary damages.

1.2. In 2010, the City adopted an ordinance establishing the CFRHP, which was operated and enforced by SPD.

1.3. The State alleges that Defendants directed residents to leave or be removed from their homes without due process afforded to renters under the state and federal constitutions and Washington's Residential Landlord-Tenant Act of 1973. The State also alleges that Defendants' actions unlawfully deprived families of the right to live together and disproportionately impacted Sunnyside tenants who are Latino/a, women-headed households, and families with children in violation of state and federal anti-discrimination laws.

1.4. Defendants represented to the State that SPD ceased enforcing the CFRHP in 2019, and the City repealed the CFRHP ordinance, SMC § 5.02 [Ord. 2010-14, 2010], in July 2025. Defendants further confirmed that they have no responsibility for enforcement of writs of restitution or ejectment under state law (Chapters RCW 59.18 and/or RCW 59.12), as such enforcement is within the exclusive jurisdiction of the Yakima County Sheriff's Office.

1 1.5. The parties agree that this Court has jurisdiction over the subject matter of the
2 claims alleged and the parties to this lawsuit.

3 1.6. The Parties have agreed to resolve all claims and allegations made by the State
4 via the entry of this Consent Decree without the need for further proceedings to determine any
5 issue of law or fact.

6 1.7. Defendants agree they will not oppose the entry of this Consent Decree on the
7 ground that it fails to comply with Rule 65(d) of the Superior Court Civil Rules and hereby waive
8 any objections based thereon.

9 1.8. Defendants waive any right they may have to appeal from this Consent Decree.

10 **NOW, THEREFORE, it is hereby ORDERED, ADJUDGED, and DECREED as follows:**

11 **II. INJUNCTIONS**

12 2.1. The injunctive provisions of this Consent Decree shall apply to the Defendants
13 and their successors, assigns, transferees, officers, agents, servants, employees, representatives,
14 and all other persons in active concert or participation with the Defendants.

15 2.2. Defendants are permanently enjoined from implementing or utilizing any
16 program similar in substance to the CRFHP previously created by SMC § 5.02 [Ord. 2010-14,
17 2010], or enforcing, implementing, or taking any action pursuant to any such similar program.

18 2.3. Defendants are permanently enjoined from taking the following actions:

- 19 a). Encouraging, instructing, pressuring, assisting, or otherwise participating
20 in removing or having residents be removed from their homes, unless
21 expressly permitted by law;
- 22 b). Adopting, maintaining, enforcing, or implementing any laws, regulations,
23 policies, procedures or practices that discriminate in violation of the
24 FHA or the WLAD; or
- 25 c). Interfering with or retaliating against any person in the exercise or
26 enjoyment of, or on account of any person exercising or enjoying, or

1 aiding or encouraging another person in exercising or enjoying, any right
2 protected by the FHA or the WLAD.

3 2.4. Within thirty (30) days of entry of this Consent Decree, the City shall notify in
4 writing all of its agents, employees, and anyone acting for or with them related to the SPD that
5 Chapter 5.02 of the SMC was repealed, the CFRHP has been terminated, and SPD is not
6 performing any activities under it.

7 2.5. Within thirty (30) days of entry of this Consent Decree, the City shall notify all
8 known housing business owners, landlords, and property management previously subject to the
9 City's CFRHP, that: (a) the City repealed Chapter 5.02 of the SMC, terminated the CFRHP, and
10 is not performing any activities under it, and (b) any complaints that SPD is encouraging,
11 instructing, pressuring, or assisting in evictions or requiring tenants to vacate their residences
12 should be made via email to CivilRights@atg.wa.gov, via phone by calling (833) 660-4877 and
13 selecting Option 1 from the menu, and/or via mail to the Wing Luke Civil Rights Division,
14 Office of the Washington State Attorney General, 800 Fifth Avenue, Suite 2000, Seattle, WA
15 98104-3188. The notice will be sent by mail and electronically to all known addresses of housing
16 business owners, landlords, and property management previously subject to the City's CFRHP.

17 2.6. Within thirty (30) days of entry of this Consent Decree, the City shall post and
18 publicly display a written notice, in both English and Spanish, stating that: (a) the City repealed
19 Chapter 5.02 of the SMC, terminated the CFRHP, and is not performing any activities under it,
20 and (b) any complaints that SPD is encouraging, instructing, pressuring, or assisting in evictions
21 or requiring tenants to vacate their residences should be made via email to
22 CivilRights@atg.wa.gov, via phone by calling (833) 660-4877 and selecting Option 1 from the
23 menu, and/or via mail to the Wing Luke Civil Rights Division, Office of the Washington State
24 Attorney General, 800 Fifth Avenue, Suite 2000, Seattle, WA 98104-3188. The statement shall
25 be posted to the City's website, including on its page dedicated to SPD, as well as physically in
26 a prominent location visible to the public in the SPD Law & Justice Center.

2.7. Within forty-five (45) days of entry of this Consent Decree, the City shall provide proof to the AGO of the notices made in compliance with Section II.

III. POLICIES

3.1. The City shall, within ninety (90) days of entry of this Consent Decree, develop, disseminate, maintain, and implement a written policy applicable to SPD, prohibiting SPD officers and employees from the following:

- a). Encouraging, instructing, pressuring, assisting, or otherwise participating in removing or having residents be removed from their homes, unless expressly permitted by law; or
- b). Interfering with or retaliating against any person in the exercise or enjoyment of, or on account of any person exercising or enjoying, or aiding or encouraging another person in exercising or enjoying, any right protected by the FHA or the WLAD.

3.2. The policy shall include that any complaints of discrimination or due process related to housing against SPD shall be made via email to CivilRights@atg.wa.gov, via phone by calling (833) 660-4877 and selecting Option 1 from the menu, and/or via mail to the Wing Luke Civil Rights Division, Office of the Washington State Attorney General, 800 Fifth Avenue, Suite 2000, Seattle, WA 98104-3188. The policy shall instruct all SPD officers and employees that any member of the public wishing to make a complaint about SPD related to housing will be provided a copy of the notice described at Paragraph 2.6.

3.3. Consistent with the foregoing requirements, the policy required under this Section shall be substantially in the form reflected in Appendix A.

3.4. The City shall provide proof to the AGO of the adoption and dissemination of the written policy to all leadership and employees of SPD within ninety (90) days of entry of this Consent Decree.

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IV. TRAINING

4.1. The City shall provide annual training to all SPD officials and employees on the requirements of this Consent Decree, including the injunction provisions set forth in Section 2.3 and the policy adopted pursuant to Section III of this Consent Decree. The first such training will be provided within one hundred and twenty (120) days of entry of this Consent Decree.

4.2. The training shall:

- a). Review the injunctions set forth in Section 2.3 of this Consent Decree and the policy adopted pursuant to Section III of this Consent Decree.
- b). Educate SPD officials and employees on their legal responsibilities and tenants' right to due process under the state and federal constitutions. As part of this training, SPD officials and employees must be made familiar with the legal eviction process as prescribed by RCW 59.12, RCW 59.18, and RCW 59.20, including the fact that police officers (excluding Yakima County Sheriff's Deputies) do not have the authority to carry out evictions, serve eviction or other notices to vacate, or otherwise play any role in the legal eviction process. This does not include service of lawful no-contact orders or arrests made on probable cause. The training must also inform SPD officials and employees that only a judge can issue an eviction order, and that it is the responsibility of landlords to follow the appropriate legal process for evictions, rather than relying on law enforcement or the landlord to remove tenants unlawfully. SPD officials and employees shall also be informed that they cannot encourage, instruct, pressure, assist, or otherwise participate in removing or having residents be removed from their homes, unless expressly permitted by law.
- c). Provide guidance on how SPD officers are to recognize and avoid prohibited conduct, such as using influence or threats to facilitate,

1 encourage, instruct, pressure, assist, or otherwise participate in removing
2 or having residents be removed from their homes, unless expressly
3 permitted by law.

- 4 d). Educate SPD officials and employees on their legal responsibilities and
5 tenants' rights under the FHA's and the WLAD's prohibitions
6 on discrimination in housing, namely 42 U.S.C. § 3604,
7 RCW 49.60.030(1)(c), and RCW 49.60.222, and including the
8 prohibition of policies and procedures that have a discriminatory impact
9 on protected groups. At a minimum, the training shall inform SPD official
10 and employees how SPD's enforcement of the CFRHP allegedly
11 impacted Latino/a tenants, single female-headed household tenants, and
12 tenants with children.

13 4.3. The trainings will be live, delivered either in-person or via video conferencing
14 with synchronous instruction. The training(s) will be conducted by an independent, qualified
15 third party, approved in advance by the AGO as described below in Section 4.4, and not
16 associated with any Defendant or their counsel. The trainings will be video recorded, and the
17 recorded version may be used for an SPD official or employee in the limited circumstance that
18 person is not able to attend the live training in person or via video conference with synchronous
19 instruction due to extended leave at the time the live training is held. Defendants shall bear the
20 costs associated with the training.

21 4.4. At least forty-five (45) days prior to the scheduled training, the City shall provide
22 notice to the AGO of the party selected to provide the training and the proposed content of the
23 training. Should the AGO determine the party is not qualified to provide such training or the
24 materials do not adequately cover the above-mandated content, the AGO will notify the City
25 within fourteen (14) days of receipt of the notice of trainer selection. In the event the AGO does
26 not approve the City's proposed trainer, the AGO will work with the City to identify a suitable

1 party to provide the required training. For annual trainings held after the first review and approval
2 by the AGO pursuant to this section, the City need not seek new approval under this this section
3 if the party providing the training, training materials, and substance of the training remain the
4 same, but must still provide to the AGO information required under Paragraph 5.2. In the event
5 the party providing the training, training materials, or the subject matter of the training changes,
6 the City shall seek the approvals required under this section.

7 4.5. The City shall maintain a record of the dates, location, trainer, training duration,
8 and attendance at each training. Copies of these records shall be provided annually with the
9 annual compliance reports on July 1, as required under Section 5.2.

10 V. RECORD KEEPING AND REPORTING

11 5.1. For the duration of this Consent Decree, the City shall preserve in a centralized
12 location all records, including all documents, whether in paper or electronic form, that relate to
13 the following:

- 14 a). The written policy required by Section III of this Consent Decree and any
15 changes and modifications thereto, together with the effective date(s) of
16 those changes;
- 17 b). The written training materials required by Section IV of this Consent
18 Decree, together with the dates, location, trainer, training duration, and
19 attendance at each training; and
- 20 c). Any and all records of allegations or complaints that Defendants have
21 taken action to encourage, instruct, pressure, assist, or otherwise
22 participate in removing or having residents be removed from their homes
23 without express legal authority, including but not limited to internal
24 records, verbal or written complaints, or communications.

25 5.2. Each year, on July 1, the City shall send to the AGO a compliance report that
26 shall:

- 1 a). Identify and describe any change to the policy required under Section III,
2 or state that no such change has been made, if that is the case;
3 b). Provide a copy of all training materials and attendee information
4 regarding the trainings required under Section IV; and
5 c). Provide records of any allegations or complaints that Defendants or SPD
6 have taken action to encourage, instruct, pressure, assist, or otherwise
7 participate in removing or having residents be removed from their
8 residences without express legal authority.

9 5.3. To assure compliance with the terms of this Consent Decree, the AGO shall be
10 permitted to inspect and copy all records maintained by the City related to its obligations under
11 this Consent Decree, interview or depose City officers, managers, employees, and/or agents, to
12 propound written discovery on the City and to enforce this Consent Decree through any other
13 lawful means.

14 VI. PAYMENT

15 6.1. Within twenty-one (21) days of entry of this Consent Decree, the City shall pay
16 one million one hundred thousand dollars (\$1,100,000) to the AGO. This money shall be referred
17 to as the "Settlement Fund" and will be used for damages, restitution, equitable relief for persons
18 aggrieved by Defendants' actions, recovery of fees and costs incurred by counsel for the State
19 in investigating and prosecuting this action, future monitoring and enforcement of this Consent
20 Decree, and any lawful purpose in the discharge of the Attorney General's duties at the sole
21 discretion of the Attorney General.

22 6.2. The payment shall be made by wire transfer. The AGO shall provide instructions
23 for the wire transfer within seven (7) days of the entry of this Consent Decree.
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1 **VII. DURATION AND ENFORCEMENT**

2 7.1. This Consent Decree shall be in effect for a period of three (3) years from the date
3 of its entry. The Court shall retain jurisdiction of this Consent Decree to enforce its terms, after
4 which time the case shall be dismissed with prejudice.

5 7.2. The State may move the Court to enforce the Consent Decree, or to extend its
6 duration in the event of noncompliance, whether intentional or not, with any of its terms, or if it
7 believes the interest of justice so require.

8 **VIII. ADDITIONAL PROVISIONS**

9 8.1. Defendants acknowledge and agree that no other promises, representations, or
10 agreements of any nature have been made or entered into by the parties. The parties further
11 acknowledge that this Consent Decree constitutes a single and entire agreement that is not
12 severable or divisible, except that if any provisions herein are found to be legally insufficient or
13 unenforceable, the remaining provisions shall continue in full force and effect.

14 8.2. Nothing in this Consent Decree shall be construed to limit or bar any other
15 governmental entity or person from pursuing other available remedies against Defendants or any
16 other person.

17 8.3. All communications related to this Consent Decree shall be directed to:
18 Sunnyside Litigation Team, Wing Luke Civil Rights Division, Office of the Washington State
19 Attorney General, 800 Fifth Avenue, Suite 2000, Seattle, WA 98104-3188.


20 8.4. The Court's entry of this Consent Decree shall operate to vacate the deadlines
21 contained in the Stipulated Case Scheduling Order and Order for Trial entered by the Court on
22 July 9, 2025.
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1 DATED this ¹² day of January 2026.

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4 HON. JAMES KIRKHAM
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6
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8 Presented by:

9 NICHOLAS W. BROWN
10 Attorney General

11 
12 NEAL LUNA, WSBA #34085
13 ALYSON DIMMITT GNAM, WSBA #48143
14 DIANE LOPEZ, WSBA #57228
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Attorneys for the Defendants

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Attorney for the Defendants

[APPENDIX A]

SUNNYSIDE POLICE DEPARTMENT POLICY
Housing-Related Enforcement and Fair Housing Compliance

Effective Date: [To be inserted upon adoption]

Policy Number: [To be assigned]

I. PURPOSE

This policy establishes guidelines for Sunnyside Police Department (SPD) officers and employees regarding their role in housing-related matters, specifically prohibiting actions that would violate residents' constitutional rights to due process and rights under federal and state fair housing laws.

II. POLICY

It is the policy of the City of Sunnyside and the Sunnyside Police Department to:

- Respect and protect the constitutional and statutory rights of all residents;
- Refrain from participating in the removal of residents from their homes except as permitted by law; and
- Comply with the Fair Housing Act (FHA) and the Washington Law Against Discrimination (WLAD).

III. PROHIBITED CONDUCT

SPD officers and employees are strictly prohibited from:

A. Unlawful Removal or Participation in Removal of Residents

Officers and employees shall not encourage, instruct, pressure, assist, or otherwise participate in removing residents, or causing residents to be removed from their homes, unless permitted by law. This prohibition includes, but is not limited to:

- Participating or assisting in any eviction;
- Threatening residents with arrest or criminal charges to compel them to vacate their residence;
- Ordering, suggesting, or implying to residents that they must leave or will be removed from their homes without legal authority;
- Advising or assisting landlords on any housing issue with respect to a tenant, including whether to rent to a tenant, whether to remove or evict a tenant, or in any way advising landlords that they can remove tenants without following proper legal eviction procedures;
- Physically removing tenants or their belongings without legal authority; or
- Suggesting or implying that residents must leave their homes based on police authority alone.

B. Interference with or Retaliation Against Exercise of Fair Housing Rights

Officers and employees shall not infringe upon any rights conferred under the FHA or the WLAD. This prohibition includes, but is not limited to:

- Discriminating against individuals based on race, color, national origin, citizenship or immigration status, religion, sex, marital status, families with children status, honorably discharged veteran or military status, sexual orientation, or the presence of any sensory, mental, or physical disability, or the use of a trained dog guide or service animal by a person with a disability, in housing-related enforcement actions;
- Retaliating against individuals who file fair housing or housing discrimination complaints; or
- Implementing or enforcing policies that have a discriminatory impact on protected classes.

VI. EVICTION PROCESS EDUCATION

All SPD officers will be advised that:

- The legal eviction process under Washington law is governed by RCW 59.12, RCW 59.18, and RCW 59.20;
- Only judges can issue no contact or eviction orders under Washington State law;
- Landlords must follow specific legal procedures to evict tenants, including proper notice and court proceedings; and
- The Yakima County Sheriff's Office has exclusive jurisdiction over enforcement of writs of restitution or ejectment in Yakima County.

V. COMPLAINT PROCEDURES

A. Informing the Public

Any member of the public wishing to make a complaint about SPD related to housing discrimination or due process violations shall be provided with information on how to file such complaints.

B. How to File Complaints

Complaints of discrimination or due process violations related to housing against SPD shall be made:

By Email: CivilRights@atg.wa.gov

By Phone: (833) 660-4877 (select Option 1 from the menu)

By Mail:

Wing Luke Civil Rights Division
Office of the Washington State Attorney General
800 Fifth Avenue, Suite 2000
Seattle, WA 98104-3188

C. Officer Responsibilities

When an individual wishes to make a complaint about SPD related to housing:

- Officers shall remain professional and courteous;
- Officers shall provide the individual with a copy of the public notice regarding the termination of the Crime Free Rental Housing Program and complaint procedures
- Officers shall not discourage, interfere with, or retaliate against individuals making complaints;
- Officers shall document the interaction according to standard SPD reporting procedures.

VI. TRAINING REQUIREMENTS

All SPD officers and employees shall receive training on:

- The requirements of this policy;
- Their legal responsibilities and tenants' constitutional and statutory right to due process;
- The legal eviction process under Washington State law;
- Examples of actions SPD officers and employees may and may not take with respect to housing matters or when facing situations involving a landlord-tenant or housing issue;
- Fair housing and antidiscrimination requirements under the FHA and WLAD, including the prohibition on policies or practices that have a disparate impact on individuals in protected classes under those laws.

VII. ACCOUNTABILITY


Violation of this policy may result in disciplinary action up to and including termination, in accordance with applicable collective bargaining agreements and City personnel policies.

Approved by:

Chief of Police
Sunnyside Police Department

Date: _____

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