



# Seattle City Employees' Retirement System

Subject: <b>Operational Policy and Procedures on Subpoenas</b>	Number: SCERS-OP-2023-01
	Effective: May 10, 2024
	Supersedes: n/a
Approved by:  Jeff Davis, Executive Director	Page 1 of 2

## 1.0 **Purpose:**

To establish a standard policy and procedural framework responding to subpoenas.

As a public retirement system, Seattle City Employees' Retirement System (SCERS) maintains detailed and confidential information regarding its members. As such, SCERS often receives subpoenas duces tecum (SDT) requiring the timely production of records or information pertaining to specific individuals involved in potential or ongoing litigation. This department policy formalizes SCERS's procedures for responding to SDTs.

## 2.0 **Definitions:**

- 2.1 **Subpoena:** A written order issued by a court, an office of the court (this can be an attorney) or an administrative agency requiring a witness to testify at a trial or deposition.
- 2.2 **Subpoena duces tecum:** Written order requiring a witness to testify and produce documents or records for use as evidence. Often, the subpoena duces tecum is accompanied by a letter providing the option of supplying certified copies of the original documents in lieu of appearing at a deposition.
- 2.3 **Deposition:** An oral or written testimony given by a witness in advance of a trial or hearing.
- 2.4 **Records Custodian:** SCERS's records custodian is the Administrative Services Manager.

## 3.0 **Subpoena Service – How Made**

Subpoenas and subpoena duces tecum can be served in person to SCERS's physical location at 720 Third Avenue, Suite 900, Seattle, Washington 98104 during SCERS's working hours.

Subpoenas and subpoena duces tecum can be served by email upon the City of Seattle Mayor's Office or City Clerk.

SCERS does not directly accept faxed, emailed, or mailed subpoenas or subpoena duces tecum.

Staff are to note the date and time of receipt on the face of the received document and scan a copy of the to the department records custodian.

#### **4.0 Determine Validity of Subpoena and/or Subpoena Duces Tecum**

- 4.1 Subpoenas and/or subpoena duces tecum must be hand-delivered to SCERS's offices to be properly served.
- 4.2 Staff will only accept subpoenas and/or subpoena duces tecum directed to SCERS and will not accept personal non-work-related subpoenas and/or subpoena duces tecum on behalf of a staff member.
- 4.3 If the subpoena and/or subpoena duces tecum is not from a court having jurisdiction in the State of Washington, staff will first consult with legal counsel. In many cases, subpoenas and/or subpoena duces tecum issued by court of other states do not have jurisdictional authority over SCERS. Legal counsel will evaluate the subpoena and/or subpoena duces tecum and establish whether compliance is necessary.

#### **5.0 Responding to a Subpoena**

- 5.1 The records custodian will determine which division the subpoena and/or subpoena duces tecum pertains and notify the appropriate division so that they can respond on behalf of SCERS.
- 5.2 Documents will be reviewed for Personally identifiable information (PII). PII data includes social security numbers, home address, financial account numbers, driver's license numbers, medical records, dates of birth. PII information will be redacted before the documents are provided.
- 5.3 A copy of the subpoena and/or subpoena duces tecum and documents provided will be maintained in the member's file in V3.

#### References:

[Civil Rule 45](#) – Washington State

[RCW 12.16.020](#) – Service of Subpoena