

NOTICE OF COURT RULES

THE COURT PUBLISHES AND GIVES NOTICE OF THE FOLLOWING COURT RULES:

Rule 2.10 – Recording, Broadcasting, and Photographing Court Proceedings

Rule 2.21 – Court Record Retention Disposition Schedule

Rule 2.21.1 – Court Records Policy

Rule 4.8 – Issuance of Warrants or Capiases in Unassigned Cases

Rule 5.5 – Issuance of Summons or Warrant for Failure to Appear

COMMENTS ON THE COURT RULES MAY BE SENT IN WRITING TO:

DAYTON MUNICIPAL COURT
COURT ADMINISTRATOR ANN MARIE MURRAY
301 WEST THIRD STREET, ROOM 365
DAYTON, OHIO 45402

Effective April 9, 2025, Ohio Superintendence Rule (Sup. R.) 12, Recording, Broadcasting, and Photographing Court Proceedings, was amended. Dayton Municipal Court Rule (DMCR) 2.10, Media Coverage of Court Proceedings, has been renamed and revised to be in compliance with amended Ohio Sup. R. 12. Revised DMCR 2.10 appears below in bold type.

Rule 2.10 – Recording, Broadcasting, and Photographing Court Proceedings

A. Procedure

1. Assigned Judge

Requests for permission to broadcast, televise, record, or take photographs in the courtroom shall be in writing and presented to the judge assigned to the proceeding. If the assigned judge is not available, the written request must be presented to the Court Administrator, Presiding Judge, or Administrative Judge.

As provided by law and this rule, the judge shall permit audio, audio-video recording, broadcasting by electronic means, and taking photographs in court proceedings that are open to the public. Only operators and equipment approved by the judge shall be permitted to record, broadcast, and televise court proceedings or take photographs. After consultation, the judge shall specify the place or places in the courtroom where the operators and equipment are to be positioned. The written order of the judge shall be made a part of the record of the proceedings.

2. Request to Record, Broadcast, and Photograph Court Proceedings Form

The Dayton Municipal Court Request to Record, Broadcast, and Photograph Court Proceedings form must be used and can be obtained from the assigned Judge's bailiff or the Court Administrator's Office. The Request form shall be presented as far in advance as reasonably possible to the assigned Judge's office but in no event later than twenty-four (24) hours prior to the trial or hearing to be recorded. All requests to record proceedings of arraignment shall be made in writing and presented to the arraignment judge as far in advance as reasonably possible but in no event later than one-half hour prior to the arraignment session or quick set hearing/plea to be recorded. Upon a showing of good cause, the judge may waive either of the advance notice provisions.

B. Limitations

- 1. There shall be no audio recording or audio broadcast of conferences conducted in the Court facility between attorneys and clients or co-counsel, of conferences conducted at the bench, or from the courtroom when court is not in session.**
- 2. The judge shall permit any victim, witness, or juror who objects to being recorded, broadcast, or photographed the opportunity to be heard in advance of testifying. A victim, witness, or juror may not object to the Court recording the proceeding as part of its official record.**
- 3. This rule shall not be construed to grant any greater rights than permitted by law.**

C. Revocation of Permission

Upon the failure of any person to comply with the conditions prescribed by this rule or the judge, the judge may revoke the permission to record, broadcast, or photograph the proceeding.

D. Permissible Equipment and Operators

1. Video, still photography, audio recording, or broadcasting of court proceedings shall be limited to one approved videographer, one approved still photographer, and one approved audio technician, unless otherwise ordered by the judge. In the event of multiple requests, the judge may order coverage of court proceedings to be conducted by pool representation. Individuals participating in the pool must be approved by the judge and shall designate a pool representative. Access to video, photographs, and audio shall be shared with the pool. The pool arrangement shall be by agreement of the participants and the judge shall resolve any dispute.
2. The judge shall prohibit equipment or activity that is distracting to the proceedings. No artificial lighting other than that normally used in the courtroom shall be employed. However, if the normal lighting in the courtroom can be improved without becoming obtrusive, the judge may permit modification.
3. For audio recording or broadcast purposes, not more than one audio system shall be permitted in the courtroom. Where available and suitable, existing audio pickup systems in the Court facility shall be used. If existing audio pickup systems are not available, microphones and other electronic equipment necessary for the audio pickup shall be as inconspicuous as possible but shall be visible.
4. Videographers, photographers, and audio technicians shall not move about the courtroom while court is in session.

E. Prohibition on Recording Jurors, Witnesses, and Defendants

No audio recording, video, or photograph of any juror, witness, or defendant shall be taken by any means by a person other than as approved by the judge. This division shall not apply to the Court recording the proceeding as part of its official record.

On April 1, 2025, Ohio Superintendence Rules (Sup. R.) 26, Court Records Management and Retention; Sup. R. 26.01, Retention Schedule for Administrative Documents of the Courts; Sup. R. 26.05, Municipal and County Courts' Records Retention Schedule, and Sup. R. 26.06, Destruction of Court Records, were updated by the Ohio Supreme Court.

The Court finds that Dayton Municipal Court Rule (DMCR) 2.21, Court Record Retention Disposition Schedule, needs to be revised to comply with the updated Superintendence Rules and R.C. 1901.313. The revised language appears in bold type, and the revised Rule shall be effective on the date this Order is filed.

Rule 2.21 – Court Record Retention Disposition Schedule

The Dayton Municipal Court finds that the following Record Retention Schedule (Schedule) meets the record retention requirements of the Ohio Revised Code and Superintendence Rules 26, 26.01, 26.05, and 26.06 for records of the Court, the Office of the Dayton Municipal Court Clerk, the Office of the Court Administrator, and the Probation Division. Pursuant to Superintendence Rule 26, the Court may extend the retention periods for any of the records in the Schedule. The Court may also extend the retention period for an individual case file beyond the period specified in the Schedule.

A. Form of Records

Records may be retained in a form authorized by Superintendence Rule 26 and R.C. 9.01. These records shall have the same effect at law as the original records and authenticated or certified copies shall be admissible in evidence. A backup copy of the records shall be made, and any backup copies of records required to be permanently retained shall be stored in a different location.

1. Electronic Format

When pleadings or documents are received or created in, or converted to, an electronic format as provided in R.C. 1901.313, the pleadings or documents in that format shall be considered the official version of the record.

B. Destruction or Disposal of Records

After the retention period expires for a record and any backup copy, the record may be destroyed or otherwise disposed of pursuant to Superintendence Rules 26 and 26.06, unless the record must be retained by law or pursuant to the Rule.

1. Converted Records

Records converted from their original medium to another medium may have their original or prior medium destroyed upon conversion.

RECORD TITLE AND DESCRIPTION	RETENTION PERIOD
Administrative Journal – Administrative orders on court policies	Permanent
Annual Report – Two Copies Published Court policies, procedures, and information	Permanent
Audit Reports –	Permanent

State Auditor	
Bank Records – Record of bank transactions	3 years, provided audited
Budgets	3 years
Canceled Checks	3 years, provided audited
Cash Books – Expense and receipt ledgers	3 years, provided audited
Civil Appearance Docket – Record where Clerk enters information historically included for each civil case before the Court	25 years
Civil Case Files – Dismissed or satisfied Civil cases	2 years, provided audited
Dormant Civil Case Files – Civil cases that have not been active for 5 years	10 years after dormancy, provided audited
Civil General Index – Reference record used to locate the journal, docket, and case files	25 years
Civil Journal – Verbatim record of every court order or judgment	25 years
Communication, Correspondence, and General Office Records (Includes paper, telephonic, and electronic records)	Retained until no longer of value
Court Proceedings – Electronic audio recordings, audio-tape recordings, or court reporter transcriptions	5 years after Appeal period
Criminal Preliminary Appearance Docket – Record where Clerk enters information historically included for each criminal preliminary appearance before the Court	25 years
Criminal Appearance Docket – Record where Clerk enters information historically included for each criminal case before the Court	25 years
Criminal Case Files – Misdemeanor 1st – 4th Degree (Jail is a possible penalty)	15 years after final judgment (Retain documents from files for 50 years that are admissible evidence of prior conviction and counsel representation/waiver)
Criminal Case Files – Minor Misdemeanors and Unclassified Misdemeanors (Jail is not a possible penalty)	5 years after final order
Criminal General Index – Reference record used to locate the journal, docket, and case files	25 years
Criminal Journal – Verbatim record of every court order or judgment	25 years
Depositions – Out-of-court testimony reduced to writing for use in court	60 days after notice to retrieve
Exhibits – Documents or objects submitted into evidence. (Includes Depositions and Transcripts)	60 days – after notice to retrieve

	<p>One year – Addressee unknown, undeliverable, moved with no forwarding address.</p> <p>After April 1, 2025 – One year after case concluded, no notice required before destruction.</p> <p>Biological Evidence – After final judgment, return to tendering party to retain or destroy.</p>
Execution Docket	25 years
Fiscal Records – Copies of budgeting and purchasing documents such as invoices, bills, and receipts	3 years, provided audited
Foreign Certificate of Judgment	2 years, provided audited
Grant Records	3 years after grant ends
Judges' Monthly Reports	3 years
Monetary Records	Permanent
Parking Ticket Records	Until paid and audited
Pay-in Orders	3 years, provided audited
Payroll Records	3 years, provided audited
Personnel Applications	2 years
Personnel Benefits & Leave Records	3 years, provided audited
Personnel History & Discipline	10 years after termination
Probation Division Annual Reports	Permanent
Probation Division Monthly Reports	Until compiled into Annual Report
Probation Presentence Reports and Individual Case Files	10 years
Receipt Records	3 years, provided audited
Rental Escrow Account Records	5 years after last deposit
Requests for Proposals, Bids, and Resulting Contracts	3 years after contract expires
Small Claims Appearance Docket – Record where Clerk enters information historically included for each small claims case before the Court	25 years
Small Claims Index – Reference record used to locate the journal, docket, and case files	25 years
Small Claims Journal – Verbatim record of every court order or judgment	25 years
Small Claims Case Files – Cases limited to \$6,000 Damages	2 years, provided audited
Traffic (Operating) Driving Under Influence Case Files	15 years after final judgment (Retain documents from files for 50 years that are admissible evidence of prior

	conviction and counsel representation/waiver)
Traffic Case Files – Misdemeanor 1st – 4th Degree (Jail is a possible penalty)	15 years after final judgment (Retain documents from files for 25 years that are admissible evidence of prior conviction and counsel representation/waiver)
Traffic Case Files – Minor Misdemeanors and Unclassified Misdemeanors (Jail is not a possible penalty)	5 years after final order
Traffic Appearance Docket – Record where Clerk enters information historically included for each traffic case before the Court	25 years
Traffic General Index – Reference record used to locate the journal, docket, and case files	25 years
Traffic Journal – Verbatim record of every court order or judgment	25 years
Transcripts – The official record of proceedings in a trial or proceeding	60 days after notice to retrieve
Trusteeship Docket – Record where Clerk enters information historically included for each trusteeship case before the Court	25 years
Trusteeship Files and Records	2 years, provided audited
Warrants (Search Warrants)	5 years after service
Witness and Jury Voucher Fee Stubs	3 years, provided audited
Yearly Financial Reports	Permanent

The Dayton Municipal Court finds an immediate need to revise Dayton Municipal Court Rule (DMCR) 2.21.1, Court Public Records Policy, to clarify the Court records open to public inspection and to add the Court Policy on recording and providing access to records of Court proceedings. DMCR 2.21.1 has been rewritten as appears below in bold type and shall be effective upon the filing date of this Order.

Rule 2.21.1 – Court Records Policy

A. Court Records Presumed Open to the Public

All Dayton Municipal Court records, including Court proceeding records, are presumed open to the public unless prohibited from public inspection by R.C. 149.43 or other law.

B. Mission

- 1. The Dayton Municipal Court (the Court) is committed to openness as a foundation for a better-informed citizenry, which leads to better government and better public policy. It is the mission and intent of the Court to, at all times, fully comply with and abide by the rules for public access to court records set forth in Rules 44 through 47 of the Rules of Superintendence for the Courts of Ohio.**
- 2. DMCR 2.21.1 is only a summary of the Court's Records Policy, and the Rules of Superintendence should be consulted for matters not addressed here. Federal and state laws may apply and should be consulted regarding access to case documents. Please contact the Dayton Municipal Court Clerk's office for assistance with inspection of Court records.**

C. Court Proceedings

Court proceedings shall be recorded and transcribed by the methods designated by the Court pursuant to Ohio Superintendence Rule 11. Audio and written transcript records of Court proceedings shall be available.

D. Inspection of Court Records

All Court records, including records of Court proceedings, are subject to the current Court Record Retention Disposition Schedule found in Dayton Municipal Court Rule (DMCR) 2.21 (<https://www.daytonmunicipalcourt.org>). Copies of Court records shall be made available for inspection in accordance with this Rule and DMCR 2.21.

E. Direct access to Court Records

A court or clerk of court shall make a court record available by direct access, promptly acknowledge any person's request for direct access, and respond to the request within a reasonable amount of time. A court or clerk of court shall permit a requestor to have a court record duplicated upon paper, upon the same medium upon which the court or clerk keeps it, or upon any other medium the court or clerk determines it can be reasonably duplicated as an integral part of its normal operations.

F. Cost for Obtaining Court Record

- 1. The current charge for paper copies of Court records is \$0.10 per page. An audio copy of an electronic digital recording of a court proceeding shall be supplied on compact disc at a cost of \$3.00 per disc.**

2. A court or clerk of court may charge its actual costs incurred in responding to a request for direct access to a court record. The court or clerk may require a deposit of the estimated actual costs. The written estimated actual costs will be provided to the person paying the deposit.
3. The cost for a written transcript of a Court proceeding must be obtained from the Court employee who prepares the transcript. The employee preparing the transcript may require a deposit of not more than 50% of the estimated actual cost. The written estimated actual cost will be provided to the person paying the deposit for the transcript.

G. Reasonable time

A court or clerk of court shall mail, transmit, or deliver copies of a requested court record to the requestor within a reasonable time from the request, provided the court or clerk may adopt a policy allowing it to limit the number of court records it will mail, transmit, or deliver per month, unless the requestor certifies in writing that the requestor does not intend to use or forward the records, or the information contained in them, for commercial purposes. For purposes of this division, "commercial" shall be narrowly construed and does not include news reporting, the gathering of information to assist citizens in the understanding of court activities, or nonprofit educational research.

H. Remote access

A court or clerk of court may offer remote access to a court record. If a court or clerk offers remote access to a court record and the record is also available by direct access, the version of the record available through remote access shall be identical to the version of the record available by direct access, provided the court or clerk may exclude an exhibit or attachment that is part of the record if the court or clerk includes notice that the exhibit or attachment exists and is available by direct access. Nothing shall be interpreted as requiring a court or clerk of court offering remote access to a case document in a case file to offer remote access to other case documents in that case file. Nothing shall be interpreted as prohibiting a court or clerk of court from making available on a website any court record that exists only in electronic form, including an on-line journal or register of actions.

I. Restricted Access

1. Any person, by written motion, may request access to a case document or information in a case document that has been granted restricted public access pursuant to Sup.R. 45(E). The court shall give notice of the motion to all parties in the case and, where possible, to the non-party person who requested that public access be restricted. The court may schedule a hearing on the motion.
2. A court may permit public access to a case document or information in a case document if it finds by clear and convincing evidence that the presumption of allowing public access is no longer outweighed by a higher interest. When making this determination, the court shall consider whether the original reason for the restriction of public access to the case document or information in the case document pursuant to Sup.R. 45(E) no longer exists or is no longer

applicable and whether any new circumstances, as set forth in that division, have arisen which would require the restriction of public access.

J. Denial of public access - remedy

Denied requests for court records should first be directed to the Court Administrator's Office for review. A person aggrieved by the failure of a court or clerk of court to comply with the requirements of Sup.R. 44 through 47 may pursue an action in mandamus pursuant to Chapter 2731 of the Revised Code.

K. Liability and immunity

Sup.R. 44 through 47 do not affect any immunity or defense to which a court, court agency, clerk of court, or their employees may be entitled under section 9.86 or Chapter 2744 of the Revised Code.

L. Definitions

As provided by Ohio Superintendence Rule 44, these terms mean the following:

"Court record" means both a case document and an administrative document, regardless of physical form or characteristic, manner of creation, or method of storage.

"Case document" means a document and information in a document submitted to a court or filed with a clerk of court in a judicial action or proceeding, including exhibits, pleadings, motions, orders, and judgments, and any documentation prepared by the court or clerk in the judicial action or proceeding, such as journals, dockets, and indices, subject to the exclusions in Sup. R. 44 (C)(2).

"Case document" does not include a document or information exempt from disclosure under state, federal, or common law; personal identifiers, including forms containing personal identifiers; a document or information to which public access has been restricted; certain juvenile records; notes, drafts, recommendations, advice, and research of judicial officers and court staff; information on or obtained from the Ohio Courts Network; and certain common pleas court domestic relations and juvenile division documents.

"Administrative document" means a document and information in a document created, received, or maintained by a court that serves to record the administrative, fiscal, personnel, or management functions, policies, decisions, procedures, operations, organization, or other activities of the court, subject to the exclusions in Sup. R. 44 (G)(2). The term "administrative document" does not include a document exempt from disclosure under state, federal, or the common law, or as set forth in the Rules for the Government of the Bar; personal identifiers; a document or information describing the security or security plan in a court facility; an administrative or technical security record-keeping document or information; test questions, scoring keys, and licensing, certification, or court-employment examination documents; computer programs, computer codes, computer filing systems, and other software owned by a court or entrusted to it; information on or obtained from the Ohio Courts Network or through data feeds.

"Transcript" means the official record of a court proceeding.

"Case file" means the compendium of case documents in a judicial action or proceeding.

"File" means to deposit a document with a clerk of court, upon the occurrence of which the clerk time or date stamps and docket the document.

"Submit" means to deliver a document to the custody of a court for consideration by the court.

"Personal identifiers" means social security numbers, except for the last four digits; financial account numbers, including but not limited to debit card, charge card, and credit card numbers; employer and employee identification numbers; and a juvenile's name in an abuse, neglect, or dependency case, except for the juvenile's initials or a generic abbreviation such as "CV" for "child victim."

"Public access" means both direct access and remote access.

"Direct access" means the ability of any person to inspect and obtain a copy of a court record at all reasonable times during regular business hours at the place where the record is made available.

"Remote access" means the ability of any person to electronically search, inspect, and copy a court record at a location other than the place where the record is made available.

"Actual cost" means the cost of depleted supplies; records storage media costs; actual mailing and alternative delivery costs, or other transmitting costs; and any direct equipment operating and maintenance costs, including actual costs paid to private contractors for copying services.

Effective April 9, 2025, R.C. 2935.26(F) requires a supplemental citation be issued for minor misdemeanor offenses before an arrest warrant can be issued for failure to appear in response to a citation or ticket. In addition, pursuant to the inherent powers of the Court to regulate dockets and enact rules to facilitate the expeditious disposition of cases, the requirement for a supplemental citation will be applicable to unclassified misdemeanor offenses in which confinement is not included as a possible penalty.

Therefore, Dayton Municipal Court Rule (DMCR) 4.8, Issuance of Warrants or Contempt Capiases in Unassigned Cases, is revised and applies to cases with court appearance dates on and after April 9, 2025. The revised language appears below in bold type.

Rule 4.8 – Issuance of Warrants or Capiases in Unassigned Cases

- A. Pursuant to Crim. R. 4, statutory law and judicial order, in any case when it appears from the record that the defendant has failed to appear in response to a summons or traffic citation, the Clerk of Court shall issue a warrant or capias for the arrest of the defendant **except as provided under Paragraphs B, C, and D.**
- B. **Minor Misdemeanor Criminal Offenses**
When the defendant fails to appear in court in response to a citation for a minor misdemeanor criminal offense or to exercise an option in lieu of appearance, a supplemental citation shall be issued.
- C. **Unclassified Misdemeanor Offenses With Monetary Fines Only**
When the defendant fails to appear in court in response to a citation for an unclassified misdemeanor offense in which confinement is not a penalty, or to exercise an option in lieu of appearance, a supplemental citation shall be issued.
- D. **Supplemental Citation**
- E. **The supplemental citation shall provide a new date and time to appear in court and inform the defendant of the options in lieu of appearance. If the defendant fails to appear or exercise an option in lieu of appearance within 30 days after the supplemental citation is issued, a warrant shall be issued for the arrest of the defendant pursuant to R.C. 2935.26(F).**

Effective April 9, 2025, R.C. 2935.26(F) requires a supplemental citation be issued for minor misdemeanor offenses before an arrest warrant can be issued for failure to appear in response to a citation or ticket. In addition, pursuant to the inherent powers of the Court to regulate dockets and enact rules to facilitate the expeditious disposition of cases, the requirement for a supplemental citation will be applicable to unclassified misdemeanor traffic offenses in which confinement is not included as a possible penalty.

Therefore, Dayton Municipal Court Rule (DMCR) 5.5, Issuance of Summons, Warrant for Failure to Appear, is revised and applies to cases with court appearance dates on and after April 9, 2025. The revised language appears below in bold type.

Rule 5.5 – Issuance of Summons or Warrant for Failure to Appear

- A. Pursuant to Traf. R. 7(A), in any case where it appears from the record that the defendant has failed to appear in response to a traffic ticket, the Clerk of Court shall issue a warrant or capias for the arrest of the defendant except as provided under Paragraphs B, C, and D.**

- B. Minor Misdemeanor Traffic Offenses**

When the defendant fails to appear in court in response to a ticket or citation for a minor misdemeanor traffic offense or to exercise an option in lieu of appearance, a supplemental citation shall be issued.

- C. Unclassified Misdemeanor Traffic Offenses with Monetary Fines Only**

When the defendant fails to appear in court in response to a ticket or citation for an unclassified misdemeanor traffic offense in which confinement is not a penalty, or to exercise an option in lieu of appearance, a supplemental citation shall be issued.

- D. Supplemental Citation.**

The supplemental citation shall provide a new date and time to appear in court and inform the defendant of the options in lieu of appearance. If the defendant fails to appear or exercise an option in lieu of appearance within 30 days after the supplemental citation is issued, a warrant shall be issued for the arrest of the defendant pursuant to R.C. 2935.26(F).