

THE HISTORY OF THE INCLINE VILLAGE-CRYSTAL BAY TOWNSHIP JUSTICE COURT AND CONSTABLE'S OFFICE 1980-2022

By Judge James V. Mancuso, Justice of the Peace, Incline Village-Crystal Bay Township Justice Court (1980-2007), Judge E. Alan Tiras, Justice of the Peace, Incline Village-Crystal Bay Township Justice Court (2007-2022) and Incline Constable Hans R. Keller (2015-2022)

Incline Village-Crystal Bay Township Justice Court

The Incline Village-Crystal Bay Township came into being by decree of the Washoe County Commission in late 1980. It was split off from, and with the blessing of, Reno Township by ordinance. The Court and Constable began public operations in November 1980. The first township officers appointed by the Commission were James V. Mancuso, Justice of the Peace, and Russell McKlem, Constable.

Lobbying for creation of the Township was led by the Incline Village Bar Association, the Incline Realtors, concerned citizens, access to justice proponents and businesses who were frustrated at the many issues created by the 35 mile drive over a 9,000 foot mountain to reach Reno to conduct local court matters like small claims filings, traffic tickets, and evictions.

Perhaps the greatest political incentives to creating the Court were:

(1) the fact Incline Village had its first elected local Washoe County Commissioner, Bennie Ferrari, an attorney with knowledge of the need for a local court, and a strong advocate; and

(2) the then recent session of the Nevada Legislature having had denied Incline Village its own separate county by a close margin, had signaled the Washoe County Commission that it should start taking requests for more government services at its Lake Tahoe portion more seriously.

The County rented space for the Court and Constable at 907 Tahoe Blvd. upstairs from the Chessmen Bar and restaurant, sufficient to handle administrative matters and small hearings. Larger court sessions were held at the Incline Village GID Boardroom at the gracious invitation of the IVGID Board.

Judge Mancuso greatly appreciated the use of the IVGID Boardroom but soon realized the Court was getting too busy to sustain this relationship. The County agreed to rent more space at 907 Tahoe Blvd. to create a makeshift courtroom, and the Court became self-contained at that location for approximately 2 years.

As the Court became busier and its jurisdiction continued to increase due to legislative activity and population growth, the judge's hours increased from 16 hours per week to 36 hours per week over the 26+ years of his tenure. This included assisting the Reno

THE HISTORY OF THE INCLINE VILLAGE-CRYSTAL BAY TOWNSHIP JUSTICE COURT AND CONSTABLE'S OFFICE 1980-2022

Justice Court in handling serious Incline felonies in the earlier years until a Reno Judge refused to allow the filing of or hearing of any more Incline felonies. At that time Sparks Justice Court stepped up to help and the close working relationship between the Incline and Sparks Courts continues to this day.

Then-Commissioner Jim King engineered a move to the current location of the court at 865 Tahoe Blvd around the end of 1982. This massive building contained only the Court as a tenant in its cavernous setting for a long time. As it filled up, the Court has been moved within it numerous times to accommodate both landlord and tenant. After the shooting of Judge Weller at the Reno courthouse, court security concerns were raised throughout the county and state, and around the time of Judge Mancuso's retirement and shift to Senior Judge status, major improvements to security were made and handled by his successor, Judge Alan Tiras.

In 2006, E. Alan Tiras was elected to succeed Judge Mancuso as the Court's Justice of the Peace. He took office in January 2007.

After the shooting of Judge Weller in 2006, it had been decided that the Court needed enhanced security. That, in conjunction with the relocation of the County Building Department, Assessor and Clerk into the old Incline Library, allowed the Court to expand into space more suitable to the Court's needs. In particular, the Courtroom was enlarged to accommodate standing-room only galleries and the Clerk's area was enlarged and enclosed to provide better and more secure service to the public. The Court moved into the renovated space in approximately 2009.

The years between 2007 and 2017 were relatively peaceful with the Court implementing more advanced technology for case management along with enhanced security and an in-house Victim Impact Panel. In 2011, the Court hired a Chief Bailiff to handle many of the functions previously provided by the then Constable.

In 2013, Judge Tiras served as President of the Nevada Judges of Limited Jurisdiction and was honored as the Judge of the Year for 2013.

Subsequently when the Court's Chief Bailiff, Hans Keller, was elected to serve the community as it's Constable, the court then worked closely with the new Constable, to provide Court Security, Pretrial Services (e.g., making sure Defendants are compliant with pretrial requirements), Post Sentencing compliance, Lock Out Order Enforcement and Service of Process. This allows the County's Pretrial Services and Department of Alternative Services to minimize their costs while allowing these functions to be performed locally at a minimal additional cost to the taxpayers. The Constable also

THE HISTORY OF THE INCLINE VILLAGE-CRYSTAL BAY TOWNSHIP JUSTICE COURT AND CONSTABLE'S OFFICE 1980-2022

provides transport services, lock out enforcement and service of process to minimize the need for Washoe County Sheriff Deputies.

In 2017, Judge Tiras was alerted to an effort by a Judge at Reno Justice Court to eliminate the local court and merge it into Reno Justice Court. This effort, if successful, would have required local citizens to attend to their Court matters by driving over Mt. Rose highway to downtown Reno creating the same issues faced by Incline Village prior to 1980. The Court mounted a vigorous opposition which apparently bought the Court and community time but hasn't totally eliminated the proponent's efforts.

In September 2019, the Court initiated the first-in-state, fully virtual calendar allowing defendants to appear for traffic court arraignments using video conferencing. Due to the COVID Pandemic, in March 2020, the Court converted all its calendars into virtual proceedings to allow all parties to continue their interactions with the Court. For the first several months of the Pandemic, Incline Justice Court was the only Court in the State of Nevada holding full calendars (other than those matters requiring in person proceedings). On July 1, 2021, the Court opened the Court facility to the public and began holding hybrid calendars allowing litigants to appear either in person or virtually, at their discretion. The Court continues to hold these hybrid calendars.

In June 2021, the Court received a courtesy copy of a letter from the landlord at the CenterPoint building wherein she informed the County that she would not be entering into negotiations into a long-term lease leaving the existing lease to expire on September 30, 2021. In light of the acknowledged efforts necessary to find another location, she did agree to a new one-year lease to allow the Court to relocate. With much effort, the Community and the Court were able to convince the County that, at a minimum, the new lease would allow the County, with Court and Community involvement, to determine the future of the Court. In an "open mike" moment, Chairman Bob Lucey, was heard to oppose the inclusion of the new lease on an Agenda until he had an opportunity to talk to one of the Reno Justice Court judges. Regrettably, neither Chairman Lucey nor any other County Commissioner (except for local Commissioner, Alexis Hill) had felt compelled to speak to Court staff about Court operations or the Community about its need for a Court. Apparently though, it was important for Chairman Lucey to seek guidance from a judge from another court about the Incline Village-Crystal Bay Justice Court's operations. Perhaps not coincidentally, this judge was the same person who attempted to eliminate the Court in 2017. Ultimately, the new lease was extended and, thanks to the efforts of Commissioner Alexis Hill, the Court has current plans to move to the old library (where the County Building Department, Assessor and Clerk had been located until they left in approximately 2012).

THE HISTORY OF THE INCLINE VILLAGE-CRYSTAL BAY TOWNSHIP JUSTICE COURT AND CONSTABLE'S OFFICE 1980-2022

The Court continues to hear rumors of the Chairman making statements that he has the votes to eliminate the Court, just as he stated he had the votes to eliminate the Constable's Office. Despite requests for someone from the County to advise the Court of its plans, no information has been provided and the Court has been compelled to make a public records request to find out what's going on. Judge Tiras has gone on record pleading with the County to allow for the community of Incline Village, the Incline Justice Court and the Incline Constable to be a part of any conversations in Public, Noticed and Open meetings, thus far, to no avail.

Incline Village Constable

Since 1980, the Court and Constable have worked hand in glove to serve the residents of the township. After the first Incline Constable, Russ McKlem, resigned to move to Oregon, he was succeeded by Doug Neve, Scott Whittey, Jim Wallace, Joseph Kubo and currently, Hans R. Keller.

Over the years, each Constable took on more and more duties distinguishing the Incline Village Constable from the other Washoe County Constables. In fact, in 1998 when the Washoe County Commission decided to consider abolishment of all its Constables' offices at the time (Reno, Sparks, Verdi, Wadsworth, Gerlach, and Incline) only Incline survived. This was the subject of financial analysis and presentation of testimony and evidence at a public hearing that distinguished the Incline Constable and his expanded duties from the other Constables. It was also argued that the closing of this Township office would be a breach of faith with the population of Incline Village-Crystal Bay after the tacit agreement reached with Washoe County to provide such access to justice services here in lieu of continued efforts to create a separate county.

Today, the Incline Village Constable's Office is a Nevada POST (Nevada Commission on Peace Officer Standards and Training) certified law enforcement agency, providing limited jurisdiction professional law enforcement services to the Incline Village Crystal Bay community. Peace Office powers granted per the Nevada Revised Statutes (NRS Chapter 258). This offers a viable local option for the residents of Incline Village and Crystal Bay requiring services when enforcing local court orders issued out of the Incline Village Crystal Bay Township Justice Court and others. These orders include, but are not limited to, landlord/tenant disputes, court-ordered protection orders (both temporary and extended harassment and domestic orders), civil judgement enforcement to include wage-garnishment and asset seizure to satisfy a court-ordered monetary judgement.

Since the inception of the Incline Village Crystal Bay Township, the Incline Constable's Office has diligently worked closely with the Incline Justice Court. Today, the day-to-

THE HISTORY OF THE INCLINE VILLAGE-CRYSTAL BAY TOWNSHIP JUSTICE COURT AND CONSTABLE'S OFFICE 1980-2022

day duties, responsibilities, tasks, and services that the Constable provides the Justice Court and subsequently providing the services to our local residents include service of process (proper delivery of court orders/notices), enforcement of Temporary/Extended Protective Orders, Eviction issues notification and final eviction enforcement , courthouse and courtroom security, court-ordered defendant compliance like pre-trial drug testing and post-sentencing court compliance, rural DMV Field Services issuance of vehicle temporary moving permits, DMV Vehicle Identification Number verification (VIN Checks), supervision of the Justice Court's Bailiff Division, and review/generate Court-Ordered criminal arrest warrants.

On the afternoon of December 8, 2021, the Constable was informed (along with the Court) that Chairman Bob Lucey had that day added an item to the December 14, 2021 agenda which would move forward an effort to eliminate the Incline Constable's Office. None of the Community, the Constable, the Court or Incline Village's local Commissioner, Alexis Hill, were informed about this measure beforehand.

Constable Keller and Incline Justice Court Judge Tiras attended the Board of County Commissioner Meeting on December 14, 2021 where they waited until all other agenda items had been heard (as their item was skipped over by every other item listed behind theirs at the direction of the Chairman). After almost 8 hours, the Chairman called the item but refused to give Judge Tiras more than the three (3) minutes of time allotted to public comment to state his opposition to this item. Before Judge Tiras could speak, Chairman Lucey informed the audience that the County had been working on this matter for quite some time (again, although the Constable and Court knew nothing about it) and claimed it would provide more efficient and broader services to the people of Incline Village. Commissioner Hartung and Commissioner Jung stated their support (again, before the Judge could provide his comments). After the Judge hurried through his remarks, the Commissioners voted 3-2 to move forward with the process to eliminate the Constable's Office with Chairman Lucey and Commissioners Hartung and Jung in favor and Commissioners Hill and Herman in opposition. Judge Tiras' pleading with the Commissioners to engage the Community in conversation with public, noticed and open meetings to discuss the need for a local Constable's Office went and continue to go unheeded. The First Reading on the Ordinance to eliminate the Constable's Office will take place on January 25, 2022.

Subsequent to the December 14, 2021 representations made by Chairman Lucey relating to the enhancements to be achieved by the elimination of the Constable's Office, the agencies designated to provide the replacement services were contacted and acknowledged they knew little, if nothing, about the Chairman's representations prior to December 14, 2021 and would need to look at the Community and Court's needs to determine how the required services would be provided. To their credit, these

THE HISTORY OF THE INCLINE VILLAGE-CRYSTAL BAY TOWNSHIP JUSTICE COURT AND CONSTABLE'S OFFICE 1980-2022

agencies communicated their support for Incline Village and the Court and their intentions to provide their best efforts. Nevertheless, these agencies level of preparedness appears to be inconsistent with the Chairman's representations.

As of the start of 2022, the current Constable, Hans R. Keller has over 25 years of institutional knowledge working first as a Deputy Constable, then as Chief Bailiff for Incline Justice Court and, finally, as the elected Constable. His Justice Support Specialists each have more than five (5) years of experience