



SKAGIT COUNTY SHERIFF

Incident Report

Incident #: 20-06287

Incident: TRESPASSING VIOLATION

Area: SCSO AREA-

GUEMES/SINCLAIR IS

Location: 4142 CLARK POINT RD

When Reported: 13:55:37 05/15/20

Occurred Between: 13:54:49 05/15/20

And: 13:55:07 05/15/20

COMPLAINANTS:

1) **Name:** DUNCAN, KEVIN T

DOB: 03/02/54

Race/Sex: W/M

Address: 4142 CLARK POINT RD

GUEMES ISLAND, WA 98221

Home Phone: (360)299-8250

Work Phone: (425)344-2544

Employer:

SUSPECTS:

1) **Name:** BOUCHER, LIBBY ANN

DOB: 02/28/62

Race/Sex: U/F

Height: 5'04"

Weight: 145

Hair:

Eyes: BLU

Address: 5138 W SHORE RD

GUEMES ISLAND, WA 98221

Home Phone: (425)868-8226

Work Phone: () -

PROPERTY INFORMATION:

1) **Status:** EVIDENCE 1-44

Item Type: PHOTO

Item/Brand: DIGITAL

Model: TRESSPASSING

Serial Number:

Color: /

Quantity:

Total Value: \$

Description:

2) **Status:** EVIDENCE 2-44

Item Type: PHOTO

Item/Brand: DIGITAL

Model:

Serial Number:

Color: /

Quantity:

Total Value: \$

Description:

NARRATIVE:

Name: MULLEN C

CORRECT NATURE: TRESPASSING

SUPPLEMENTAL NARRATIVE:**Name:** GONZALES S**Date:** 08:36:55 05/18/20

DEP S GONZALES/GMCD, Transcribed May 18, 2020

On 05/15/20 I received an agency message from KEVIN DUNCAN in regards to a trespassing complaint, located at 4142 Clark Point Road, on Guemes Island, in Skagit County. During the day DUNCAN had spoken to DEPUTY MULLEN in regards to this trespassing issue. Later in the day, at around 1745 hours, the suspects had returned to his beach and taken pictures of his cameras. He advised the suspects had already left, but wanted to call again because they had returned. DUNCAN described the first contact with the two trespassers to me. DUNCAN advised the female had approached him and chest bumped him getting into his face when he confronted her about trespassing on his beach. DUNCAN advised the male trespasser was taking pictures of his security cameras. DUNCAN advised the two are locals and stated the people causing the problem are locals.

Upon obtaining this information from DUNCAN, I advised him that since the suspects had already left that it would be best for him to use his video surveillance system and try to obtain the images of the suspects and forward them to us. I advised him on further complaints to go ahead and call them in. DUNCAN indicated that this was a daily issue and I was expecting DUNCAN to call back the following day.

The following day, on 05/16/20, I had not heard from DUNCAN in regards to this trespassing issue. I called him to check in with him on this situation. He advised that there were trespassers on his property; however, he contacted them and there were no issues. He advised he is going to work on his video surveillance system and try to obtain the images of the people that are causing the problems, at which point I provided him with my email address to forward me any images of the suspects.

05/17/20 0642 DEPUTY STEVE GONZALES

gmcd

SUPPLEMENTAL NARRATIVE:**Name:** GONZALES S**Date:** 07:45:10 05/21/20

DEP S GONZALES/GMCD, Transcribed May 21, 2020

On 05/21/20, when I returned back to work, I noted an email from KEVIN DUNCAN in regards to this trespassing issue reported on 05/15/20, located at 4142 Clark Point Road, on Guemes Island, within Skagit County. The email contained two photographs, one of a male and female, which he indicated were the trespassers on his property.

I will add those images into Evidence as time allows.

05/21/20 0633 DEPUTY STEVE GONZALES

gmcd

SUPPLEMENTAL NARRATIVE:**Name:** GONZALES S**Date:** 12:53:45 05/27/20

DEPUTY S GONZALES/NBS, Transcribed May 27, 2020

On 5/22/2020, I followed up with KEVIN DUNCAN in regards to this trespassing call located at 4142 Clark Point Rd. on Guemes Island within Skagit County. I met KEVIN DUNCAN at his property where we walked down to the beach area where this trespassing issue had occurred. The suspect female in this case was added to Involvements. DEPUTY STEINER has a related case, case number 20-06422. The female involved is a LIBBY BOUCHER. During my contact with KEVIN on today's date he restated the specific events of 5/15/2020 where he confronted the female who was trespassing with her dog. DUNCAN described the female getting up into his face and chest bumping him and being confrontational. He advised that he just tries to educate the people that are trespassing on his property and wants to be left alone on property and have his privacy. He advised that he has Trespassing Signs on the property and stated that the Trespassing Signs near the beach have been there a very long time. I noted numerous No Trespassing signs on DUNCAN'S property, the specific area of the beach DUNCAN does not have any in the sand area. The signs he does have are posted directly on the trees when you have to walk back up to his property.

The case in which DEPUTY STEINER was investigating which is a Weapon Offense there needed to become some clarification as there were reports that KEVIN DUNCAN was shooting on his property. When I spoke to KEVIN DUNCAN about this, he advised the date of the trespassing issue 5/15/2020 he was not out shooting on his property. He advised he does occasionally target shoot and DUNCAN showed me the areas where he target shoots, one area is on the hillside where he had a small rotating target set up. It clearly had a good backdrop and was a safe place to shoot. The other area where DUNCAN describes he shoots on his property was up by some log piles which were by his excavator, I observed that area on his property and it also appeared to be a safe area to shoot. DUNCAN advised that he never shoots down at the beach and only shoots in those specific areas. DUNCAN also showed me his security system which he states is motion sensitive and if they had it set for motion on the beach it would alert them if someone was trespassing on the beach. DUNCAN advised they had to turn the motion system off because they would get constant alers because of the waves from the ocean. DUNCAN also indicated he had been in contact with his personal attorney and based on information he had obtained from them he believes that people could be charged for trespassing on his beach.

I advised DUNCAN the Sheriff's Office has been in contact with the prosecutors office and we are awaiting further clarification from the prosecutor's office in regards to the matter of beach access. I did advise DUNCAN that he could petition the courts for an "Anti-Harassment" order and also advised him that if he wished we could do a Trespass Admonishment on the female in regards to the situation. DUNCAN had also handed me a letter which he stated was from his attorney's office and asked that it be placed the case file. I later cleared my contact with DUNCAN and I will add a couple of photos into evidence in regards to this situation as I photographed the beach area, his trespassing signs that he has on the tree line at the beach, as well as, the areas where DUNCAN target shoots.

05/22/2020 1703 hours DEPUTY STEVE GONZALES

nbs

SUPPLEMENTAL NARRATIVE:

Name: GONZALES S

Date: 14:27:14 05/27/20

DEPUTY S GONZALES/NBS, Transcribed May 27, 2020

On 5/26/2020, I completed some follow up in regards to this trespassing/weapons offense issue located at 4366 Clark Point Rd. on Guemes Island within Skagit County. I had received an email in regards to an online information complaint from JANICE HAWES. The report involved a shot that was fired in the area of 4366 Clark Point Rd. on Guemes Island.

I made phone contact with HAWES who advised on 5/11/2020 she was walking the beach with her husband when she heard one loud bang and described it as a large caliber. She advised that they did not see anybody in the area but suspected that the shooter was close. She advised that she had heard from other people on the island that this has been an issue with the person that lives at this property and heard that he shoots to intimidate people who are walking on the beach. During my contact with HAWES I advised her that I had spoken to the property owner and he told me that he target shoots. I advised her that based on our information at this time, it does appear the property owner does own the beach and that he does not want people on the beach. HAWES was unable to confirm if any shot was fired at her or in her direction but she did state it was close and she did find it suspicious that she only heard one shot. She stated she didn't believe it to be target practice.

I cleared my contact with HAWES where I recontacted the property owner KEVIN DUNCAN. I asked him about this incident on 5/11/20, and he was unable to recall the specifics. He advised me once again he only target shoots and shoots in a safe manner. He advised that he would not purposely shoot off a firearm if someone was his beach, he states he occasionally target shoots and states he shoots a 204 and .17 Hornet. During a previous contact with DUNCAN he had showed me the areas where he shoots and both of those areas where safe backdrops and appeared to be safe locations to target shoot. During my conversation with KEVIN DUNCAN I had been relayed information that the prosecutor's office wanted some clarification in regards to his trespassing issue. They wanted to know if he was going to report trespassers that are just walking from one side of the beach to the other or was he going to report on the people that were specifically stopping, camping or having picnics on the beach. He advised that he owns the entire beach and he's tired of people being on the beach and stated he wants his privacy and wants nobody on it. I asked KEVIN DUNCAN if had put up his "No Trespassing" signs that would be visible to walkers on the beach, he advised he has not done this yet and plans to do so within a week. At this time I cleared my contact with DUNCAN.

05/26/2020 1749 hours DEPUTY STEVE GONZALES

nbs

Printed: 09:09:55 05/28/20

Deputy Gonzales,

Thank you for your call yesterday afternoon and for your departments continued support for my family's trespass issues on my Guemes Island property.

You had mentioned your department had received another complaint or concern from a neighbor of gun shots on or about May 11, 2020 if I remember the date correctly. The 11th being a Monday I was not in Skagit County, I was at work in Arlington. Additionally, you asked about a single gun report as opposed to multiple shot reports. Most of my small caliber rifles that I have been shooting on Guemes Island are single shot rifles of very small caliber, .17 HMR, 22 short, 22 hornet and 204 REM. They are all recently purchased and have scopes that I have been sighting in.

Any concerns that my neighbors may have about me shooting when they are trespassing on my property is only coincidence at best. It is important to bring to your attention that the group of homes that these trespassers are coming from are nearly 1.5 miles away. Not just a casual walk by any means. They need to stay off my property and this needs to be enforced. Additionally, my security cameras do not warn me of intruders. In fact, the beach camera has a very narrow field of view and I need to be monitoring the camera to see a trespasser go by.

I am a responsible gun owner and shooter. Although I gave up hunting many years ago, I have not given up on collecting, owning and shooting a wide variety of interesting firearms. I have never and would never display a firearm to anyone unless they were an intruder in my home and then only to defend myself or family.

I don't remember discharging any firearm last Friday through Monday because my neighbors to the north (Browns) family was staying at their home for the holiday and I did not want to disturb them with gunshot noise.

Thanks,

Kevin

Kevin T. Duncan

President & General Manager

KVA Electric, Inc.

13933 Jim Creek Road

Arlington, WA 98223

O (360) 403-8301

C (425) 344-2544

FAX (360) 435-6145

www.kvaelectric.com

April 24, 2020

Ms. Patricia Waller
4930 West Shore Road
Anacortes, WA 98221

Dear Ms. Waller,

RE: Your multiple requests to use my property at 4142 Clark Point Road, Anacortes, WA 98221 (Guemes Island).

I contacted my attorney in Seattle regarding your assertions that there may be a pending case before the State Supreme Court. My attorney has confirmed that there is no evidence suggesting there are any pending cases before the State Supreme Court related to beachfront access. In fact, the case law has been refined in the last couple years and courts presume that accessing or crossing a neighbor's land is "permissive," defeating claims of prescriptive use establishing easement rights. In further research on an older case involving trail access to a beach that neighbors alleged had been prescriptive because they used this trail for 20 years and never asked permission – court said no, that's not enough. Last, state courts to-date have refused to acknowledge a general public claim to use privately owned tidelands for recreational purposes (under the "public trust doctrine").

I understand you and others who live down beach of my property have used my tidelands as a walking path or for other recreation. Your allegations that the law allows public access over private tidelands or that you obtained rights to use my tidelands by prescription are legally incorrect.

Even if neighbors, such as yourself say you've been "using" the beach for 10, 20, 30 years, the assumption is that this is "permissive" use and that permission can be revoked.

As we have discussed, we own the property located at 4142 Clark Point Road, Anacortes, WA (Guemes Island). The tidelands extending from my side-lot lines, to low-tide, are my private property. Due to recent difficulty with trespassers, I am forced to take affirmative actions to defend my property rights – which will include calling local law enforcement as necessary to remove trespassers who remain on my property. The Skagit County Sheriff's office has been notified and will be writing Criminal Trespass Citations to those individuals who trespass on our property.

Please respect my family's request for privacy especially in this time of the COVID-19 outbreak.

Respectfully,

Kevin and Vicki Duncan
4142 Clark Point Road
Anacortes, WA 98221

Skagit County Sheriff's Office

MASTER PROPERTY SHEET

(Use Right/Left Arrows to move between fields, not the tab)

Case #	20-06287	Unit #	U44	Date	5/21/2020	Time	07:38
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Item #	1-44	Item Categ	PHOTO	Brand/Desc	Digital photo		
Model	photos	Serial #		Color	Choose an item.		
Qty	2	Measure	Choose an item.			Total Value	
IBR Status	Choose an item.			Local Status	EV - EVIDENCE		
Stolen Case #		Recovered Case #		Stolen/Recovered Property #			
Owner				Name #		DOB	
Address							
Notes	trespassing						

Item #		Item Categ	Choose an item.	Brand/Desc			
Model		Serial #		Color	Choose an item.		
Qty		Measure	Choose an item.			Total Value	
IBR Status	Choose an item.			Local Status	Choose an item.		
Stolen Case #		Recovered Case #		Stolen/Recovered Property #			
Owner				Name #		DOB	
Address							
Notes							

Item #		Item Categ	Choose an item.	Brand/Desc			
Model		Serial #		Color	Choose an item.		
Qty		Measure	Choose an item.			Total Value	
IBR Status	Choose an item.			Local Status	Choose an item.		
Stolen Case #		Recovered Case #		Stolen/Recovered Property #			
Owner				Name #		DOB	
Address							
Notes							

Item #		Item Categ	Choose an item.	Brand/Desc			
Model		Serial #		Color	Choose an item.		
Qty		Measure	Choose an item.			Total Value	
IBR Status	Choose an item.			Local Status	Choose an item.		
Stolen Case #		Recovered Case #		Stolen/Recovered Property #			
Owner				Name #		DOB	
Address							
Notes							

Item #		Item Categ	Choose an item.	Brand/Desc			
Model		Serial #		Color	Choose an item.		
Qty		Measure	Choose an item.			Total Value	
IBR Status	Choose an item.			Local Status	Choose an item.		
Stolen Case #		Recovered Case #		Stolen/Recovered Property #			
Owner				Name #		DOB	
Address							
Notes							

Item #		Item Categ	Choose an item.	Brand/Desc			
Model		Serial #		Color	Choose an item.		
Qty		Measure	Choose an item.			Total Value	
IBR Status	Choose an item.			Local Status	Choose an item.		
Stolen Case #		Recovered Case #		Stolen/Recovered Property #			
Owner				Name #		DOB	
Address							
Notes							

From: [Chris Baldwin](#)
To: [#SCSO Patrol](#)
Subject: FW: Guemes Island Shooter
Date: Monday, May 18, 2020 7:12:33 AM

From: Jamie D. Bredstrand
Sent: Monday, May 18, 2020 6:42 AM
To: Chris Baldwin
Subject: FW: Guemes Island Shooter

-----Original Message-----

From: Joseph Miller <home@linetime.org>
Sent: Saturday, May 16, 2020 9:11 AM
To: Sheriff <sheriff@co.skagit.wa.us>
Subject: Guemes Island Shooter

I thought the Sheriff would be interested in getting a head of this story:

There is a relatively new property owner on Guemes Island, Kevin Duncan, 4142 Clark Point Road, who has been accosting people walking across his beach - flashing a handgun, firing shots, intimidating walkers. I have not encountered him myself but we recently posted an oblique reference to him in an article on LineTime.org (<http://www.linetime.org/pages/455207>) about beach rights and reports keep coming in:

Thought you might like to see this text message from my immediate neighbor to the south regarding his experience with the new owner of the Clark point mansion. Hope you are doing well.

Cheers,
Michael and JoAnne

From our neighbor:"About 5:30pm tonight I walked by the Clarke Point beach cameras. I milled around and took a couple of pictures. As I was walking back I heard a gun shot from the woods. I walked another 150 feet and heard another gunshot. The second shot was from closer and sounded like it was in my general direction. I kept walking and when I was about 150 yards away I turned around and saw a man on the beach looking my way. I felt I should not approach him so he wouldn't shoot me in self defense. The man was heavy set with light short cropped hair. He was wearing dark clothing."

I had a run in with this man today. Yes, he fired a gun from up where I couldn't see him and then was waiting for me upon my return. I started out friendly, admiring his dog but things quickly got ugly. He made it abundantly clear I was not welcome but he kept moving to block my way and wouldn't let me leave. I ran into him trying to get around and then he physically pushed me back... So not concerned with keeping 6 feet away. I asked for clarity on where his property lines were and he said I should just stay out of the whole general area because his neighbors were going to defend their property as well. He said he's been coming to Guemes since 1969 and has lived here for 3 years. He did say he took my picture and would no hesitation paying it along to the sheriff if I ever came back. He wouldn't let me leave until I promised to never come back and then he followed me for quite a ways.

Libby Hinds Boucher

There is a third story told to us by Patsy Waller, a neighbor to this guy, who describes a couple's encounter with Mr. Duncan who reportedly lifted his shirt to display a handgun in his waistband. We have not been able to identify the couple, however, or verify the account.

Joseph Miller
home@linetime.org

From: [Chris Baldwin](#)
To: [#SCSO Patrol](#)
Subject: FW: Gunshots and threatening behavior on Guemes Island
Date: Monday, May 18, 2020 7:12:59 AM

From: Jamie D. Bredstrand
Sent: Monday, May 18, 2020 6:42 AM
To: Chris Baldwin
Subject: FW: Gunshots and threatening behavior on Guemes Island

From: libbyboucher62 <libbyboucher62@gmail.com>
Sent: Saturday, May 16, 2020 2:29 PM
To: Sheriff <sheriff@co.skagit.wa.us>
Subject: Gunshots and threatening behavior on Guemes Island

I am aware that you have already been contacted about a person who is firing a gun and threatening people as they walk on the beach. I would like to provide you with details of my May 15th encounter.

I had heard about a man who was being confrontational about his beach property, but I had no idea where it was. I actually still don't know exactly as there are no signs posted. I was walking North on the beach and there were 2 gunshots fired in the woods next to me. I continued walking because I assumed it was someone doing target practice or something. I walked for another 15 minutes or so and turned around to head home. Mr. Duncan was waiting for me. I started the conversation on a nice note telling him his dog was adorable. He immediately informed me I was on private property and that he had taken my picture. He said that he's giving people one chance. Next time he'll forward my picture to the sheriff and I'll get a citation. I tried to leave and he kept blocking my way. I would step to the side and he would step in front of me preventing me from leaving. We talked quite a bit... More like argued. My mind was racing trying to figure out what to say to get myself out of this situation. As a woman alone I felt quite threatened and cornered. I tried to rush around him but he stepped into my way and we bumped into each other. He pushed me back even further. He finally let me pass when I promised I would never come on his property again and then he followed me for quite a way. The whole encounter probably lasted 20 minutes, which seemed like forever being alone and defenseless.

Please let me know if you need any further information.

Libby

Sent from my Verizon, Samsung Galaxy smartphone



SKAGIT COUNTY SHERIFF

Incident Report

Incident #: 20-06504

Incident: WEAPON VIOLATION

Area: SCSO AREA-

GUEMES/SINCLAIR IS

Location: 4142 CLARK POINT RD

When Reported: 11:02:46 05/19/20

Occurred Between: 10:59:45 05/19/20

And: 10:59:45 05/19/20

COMPLAINANTS:

1) **Name:** MYLES, GALE R

DOB: 09/12/57

Race/Sex: U/F

Address: 5130 TOTEM TRL

GUEMES ISLAND, WA 98221

Home Phone: () -

Work Phone: () -

Employer:

NARRATIVE:

Name: STEINER M

CORRECT NATURE: WEAPON OFFENSE

SEE NARRATIVE UNDER 20-06422.

DEP STEINER Wed May 20 16:39:09 PDT 2020

Printed: 09:10:01 05/28/20