



**PROSECUTING ATTORNEY | ANTHONY F. GOLIK**

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December 1, 2023

The Honorable Jon Tunheim  
Thurston County Prosecuting Attorney

RE: Officer Involved Shooting of Timothy Green  
Lacey Police Department Case No. 2022-04234  
Olympia Police Department Case No. 2022-05314

Dear Mr. Tunheim,

Upon the request of your office, I have reviewed the referenced reports to assess the use of force by Olympia Police Officers J. Anderson, B. Anderson, Schaffer, and Sergeant Bellamy on August 22, 2022. On that date, officers with the Olympia Police Department responded to the report of an unwanted individual at the Starbucks located in the 4100 block of Martin Way E. in Olympia, Washington. When officers arrived they saw an individual, later identified as Timothy Green, in the street obstructing traffic. The initial responding officer attempted to speak to Mr. Green, but he moved past her and said she should be careful or he would shoot her. As additional officers arrived at the scene, they made a plan for how to handle the situation. As they attempted to detain Mr. Green, he grabbed a knife from amongst his belongings and held it up as if ready to stab someone and approached the officers. Officers deployed their tasers in an attempt to subdue him, but they had little effect. As Mr. Green moved quicker and with purpose towards Officer J. Anderson, Officer J. Anderson fired three rounds at Mr. Green. Mr. Green died of his injuries. The details regarding this incident were investigated by members of the Capital Metro Independent Investigation Team and information from their reports, photographs, and other evidence are summarized below. Having reviewed all the evidence pertinent to this investigation, I have determined that the use of force by Officers J. Anderson, B. Anderson, Schaffer, and Sergeant Bellamy was lawful.

I.

In summary, reports under the above-referenced case numbers, written by law enforcement from the Lacey Police Department, Olympia Police Department, Tumwater Police Department, Yelm Police Department, and the Washington State Patrol, reflect the following information:

On August 22, 2022 Timothy Green was shot and killed during an incident involving officers from the Olympia Police Department. The incident occurred in the 4100 block of Martin Way E in Olympia, Washington. The Lacey Police Department took the lead in the investigation with help from the Tumwater Police Department, Yelm Police Department, and the Washington State Patrol.

Olympia Police Department Officers Shaffer, J. Anderson and B. Anderson responded to a call at approximately 10:30am on August 22, 2022 of an unwanted subject at a Starbucks located at 4141 Martin Way E in Olympia, Washington. Dispatch had advised that there was an unwanted man inside the Starbucks who was drinking beer and refusing to leave the bathroom. Starbucks management wanted the man trespassed from the establishment. He was described as a black male, approximately 30 years old. When Officers Shaffer and J. Anderson initially arrived they saw a man, who was later identified as Timothy Green, in the roadway who refused their commands to get out of the roadway. He then walked towards the officers and told them he was going to get a gun and shoot them. Officers Shaffer and J. Anderson created space between themselves and Mr. Green. They asked dispatch for additional officers; they observed Mr. Green run back towards Starbucks and attempt to take items off the tables outside the Starbucks that belonged to customers sitting outside. Mr. Green took off his shirt and was screaming at people. Mr. Green headed towards the westside of the Starbucks building between an Arco gas station and the backdoor of Starbucks. Officer Shaffer advised him he was under arrest for disorderly conduct and pedestrian interference and that he was not free to leave.

Officer B. Anderson arrived a few minutes after Officers Shaffer and J. Anderson did. Soon the responding officers learned the man was Timothy Green and that he had been involved in an incident a few days prior involving an ax.

Upon her arrival, Officer B. Anderson parked her patrol vehicle in the parking lot of the AM/PM convenience store located next door to the Starbucks on Martin Way E. She did not immediately see the other officers who she knew via dispatch were already on scene. The other officers were in the back of the AM/PM building and were headed toward Officer B. Anderson's location. Officer B. Anderson observed a black male, approximately 6 feet tall with a slender build and bald head wearing jeans, no shirt, and carrying two white plastic grocery bags over his right hand. He walked towards Officer B. Anderson's patrol vehicle using long, purposeful strides. Officer B. Anderson tried to speak to Mr. Green, but he walked away from Officer B. Anderson and said something to the effect of "be careful, I'm going to shoot you."

Officer B. Anderson saw Mr. Green walk toward the north and then turn east towards the Starbucks on Martin Way E. At that time, Officers J. Anderson and Shaffer joined Officer B. Anderson at her location in the parking lot of the AM/PM convenience store.

Sergeant Bellamy of the Olympia Police Department arrived on scene and the other officers advised Sergeant Bellamy of the situation. The officers lost sight of Mr. Green as he continued to walk towards the Starbucks.

Officer B. Anderson moved her patrol vehicle to the NE corner of the AM/PM parking lot, which was the closest area to the backside of the Starbucks building. The parking lots for the AM/PM convenience store and the Starbucks are separated by a short concrete retaining wall and landscaping bed the length of the AM/PM convenience store property and are also separated by a single lane driveway for cars to enter the Hobby Lobby and Starbucks parking lots. The four officers on scene discussed a plan for their response to the situation.

The plan devised by the officers included that Sergeant Bellamy would use the 40mm Less Lethal weapon, Officer B. Anderson would use her taser, and both Officers Shaffer and J. Anderson would be live fire/hands on with Mr. Green.

Officer J. Anderson went to the SE corner of the AM/PM convenience store parking lot to get eyes on Mr. Green while Sergeant Bellamy obtained the less lethal weapon and Officers B. Anderson and Shaffer waited for Sergeant Bellamy to return. Mr. Green continued to move around the buildings and walk in and out of traffic in the parking lot. Officer Shaffer observed Mr. Green go to a pile of belongings behind the rear door of the Starbucks. When he stepped away from the pile he had a knife extended in his right hand with the blade open and pointed towards Officer J. Anderson. They then heard Officer J. Anderson yelling at Mr. Green and saying that he was approaching people in the drive thru of the Starbucks. Officer J. Anderson advised that Mr. Green was armed with a knife.

The Starbucks parking lot was busy with civilians moving around; Mr. Green was not listening to or abiding by police commands. Officers Shaffer and B. Anderson moved from the AM/PM convenience store parking lot to the single lane entry to the Starbucks and Hobby Lobby parking lots, located behind the Starbucks building and just to the west of the drive thru. Officer B. Anderson and Officer Shaffer pulled their tasers and commanded Mr. Green to drop the knife and indicated if he did not that he would be tased. Mr. Green did not comply after multiple advisements to drop his knife and both Officers B. Anderson and Shaffer deployed their tasers. Mr. Green momentarily paused when the tasers were deployed, but did not stop his approach towards Officer J. Anderson and did not seem to have a reaction to the tasers. Mr. Green ran towards Officer J. Anderson with the knife raised in front of him in his hand. He moved towards Officer J. Anderson with purposeful movements and the other officers believed he was going to stab Officer J. Anderson.

Officer B. Anderson discarded her taser and obtained her firearm in order to stop the threat against Officer J. Anderson. However, Officer B. Anderson did not have a good backdrop to take a shot.

Officer J. Anderson had his firearm pointed toward Mr. Green and said "don't do it, man, don't..." However Mr. Green continued to move forward and Officer J.

Anderson fired 3 shots as he also backed away from Mr. Green. Officer J. Anderson fell into the bushes on the landscaping area just behind him after he fired the last of the 3 shots. Mr. Green fell to the ground. Officer Shaffer saw Officer J. Anderson fall back and worried he had been tackled and stabbed.

Officers B. Anderson and Officer Shaffer ran to Mr. Green, secured him in handcuffs, and began rendering first aid. Officer B. Anderson advised over the radio “shots fired, shots fired, one down.” The man was motionless on the ground and the officers observed significant blood loss. The officers placed a chest seal over one wound. Despite the seal, the wound was still bleeding profusely. Medics and Fire personnel arrived on scene and the officers backed away from Mr. Green to allow them to render aid.

Officer B. Anderson then saw three shell casings on the ground. Officer B. Anderson protected this portion of the scene by preventing foot and bicycle traffic from entering the area; she advised a Starbucks manager to close the drive thru.

Near this time, Officers Sparks and Lindros arrived on scene. Officer B. Anderson asked Officer Lindros to grab items to protect the shell casings and Officer Lindros placed traffic cones on top of the shell casings. Officers B. Anderson, J. Anderson, and Shaffer were relieved of further action and transported by other officers to the Olympia Police Department. Mr. Green died from his injuries.

## II.

The following discussion applies the law to the use of force in this incident:

Washington peace officers are authorized to justifiably use force where probable cause exists to believe the suspect poses a threat of serious physical harm to themselves or to others. RCW 9A.16.040(2). In determining whether a person poses a “threat of serious physical harm,” Washington law allows consideration of whether: 1) the suspect threatened an officer with a weapon or displayed a weapon in a manner that could reasonably be construed as threatening; or 2) there is probable cause to believe the suspect has committed any crime involving the infliction or threatened infliction of serious physical harm. RCW 9A.16.040(2)(a), (b).

In addition, Washington law in effect at the time of this incident requires an officer’s use of deadly force to be in good faith. RCW 9A.16.040(4). The good faith standard requires the officer’s use of deadly force to meet an objective test. RCW 9A.16.040(4). The objective good faith test is met if a similarly situated, reasonable officer, in light of all the facts, circumstances, and information known to the officer at the time, would have believed the use of deadly force was necessary to prevent death or serious physical harm to the officer or another individual. RCW 9A.16.040(4).

Furthermore, Washington’s statute authorizing an officer’s use of force is subject to constitutional limits on the use of force. Police conduct is therefore analyzed under a standard of objective reasonableness, from the point of view of the officers on the scene in light of facts and circumstances confronting them and

allowing for the necessity of split-second decisions. *Graham v. Connor*, 490 U.S. 386, 396-97 (1989). The reasonableness of an officer's use of force depends on 1) the severity of the underlying offense; 2) whether the suspect poses an immediate threat to the safety of the officers or others; and 3) whether the suspect is actively resisting arrest. *Id.* at 396. The use of deadly force is objectively reasonable, and therefore justified, if there is probable cause to believe the suspect poses a significant threat of death or serious physical injury to the officer or others. *Tennessee v. Garner*, 471 U.S. 1, 11-12 (1985).

Finally, Washington's law on self-defense and defense of others states that "a person is entitled to act on appearances in defending himself or another if that person believes in good faith and on reasonable grounds that he or another is in actual danger of great person injury, although afterwards might develop that this person was mistaken as to the extent of the danger." Washington Pattern Jury Instruction 16.07; *see also State v. Walden*, 131 Wn.2d 469, 474-75, 932 P.2d 1237 (1997).

### III.

Applying the facts determined in the investigation to the statutory and constitutional standards set forth above, Timothy Green's actions would have led any reasonable police officer to believe he presented an imminent danger to the officers present at the scene. In particular, Mr. Green had failed to follow directives from law enforcement, was armed with a knife which he held in a raised position and was advancing on a law enforcement officer. He had also indicated an intent to harm law enforcement by telling one of the officers on the scene to "be careful" because he was "going to shoot them." Law enforcement at the scene attempted to use a minimal amount of force by first deploying two tasers; the tasers seemed to have little to no effect on Mr. Green. Instead, he continued to advance toward Officer J. Anderson with his knife raised; he moved quickly and purposefully towards Officer J. Anderson. Officer J. Anderson yelled at him to not do it, and finally used his firearm to shoot three times at Mr. Green to stop the threat on his person. A reasonable officer, when confronted with this situation, would believe that Mr. Green posed an immediate lethal threat to the officers based on his actions.

Mr. Green refused to stop and refused to drop his knife despite police orders to do so. He appeared intent on hurting Officer J. Anderson with the knife he wielded in his hand. It was objectively in good faith and reasonable for the officers involved to believe that this display of deadly force by Mr. Green had to be met with deadly force in order to prevent death or serious physical injury to the officers involved. Officer J. Anderson discharged his firearm at Mr. Green in order to reasonably protect himself and others. This was done in accordance with the law.

To conclude, I find the actions of Officers J. Anderson, B. Anderson, Schaffer, and Sergeant Bellamy were consistent with the limitations on the use of deadly force imposed by RCW 9A.16.040, as currently enacted, and further comported with article I, section 7 of the Washington Constitution, and the Fourth Amendment to the U.S. Constitution, as they relate to the use of such force. *See Tennessee v. Garner*,

471 U.S. 1, 11-12 (1985); *see also Brosseau v. Haugen*, 543 U.S. 194, 201 (2004).  
Based on the facts presented in this investigation, and the controlling law, it is my  
opinion that the actions of Officers J. Anderson, B. Anderson, Schaffer, and Sergeant  
Bellamy were reasonable, justifiable, and lawful.

Yours very truly,

A handwritten signature in black ink, appearing to read "Rogers", with a horizontal line drawn through it.

Rachael Rogers  
Chief Deputy Prosecuting Attorney  
Clark County Prosecuting Attorney's Office

Sent via email.

cc: Detective Sergeant Shannon Barnes, Lacey Police Department