



Office of the Washington State Auditor
Pat McCarthy

Compliance Audit Report

Reviewing Investigations of Police Use of Deadly Force

Capital Metro Independent Investigations Team – The Timothy Green Case

**Use of Deadly Force Incident on August 22, 2022, by the Olympia Police
Department**

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Office of the Washington State Auditor

Pat McCarthy

June 23, 2025

Commander Joe Upton
Capital Metro Independent Investigations Team

Report on Use of Deadly Force Investigation Audit

Attached is the official report on our audit of the investigation into the use of deadly force on August 22, 2022, that resulted in the death of Timothy Green.

The audit assessed the Olympia Police Department's and the Capital Metro Independent Investigations Team's compliance with state laws and rules regarding independent investigations of police use of deadly force as defined in WAC 139-12-030.

Our independent audits provide essential accountability and transparency regarding police use of deadly force investigations. These audits are valuable to the Legislature, law enforcement agencies and the public in assessing police accountability efforts.

If you are a member of the media and have questions about this report, please contact Assistant Director of Communications Adam Wilson at (564) 999-0799. Otherwise, please contact Use of Deadly Force Investigations Program Manager Michael Huynh at (564) 999-0831.

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EXECUTIVE SUMMARY

Results in Brief

Capital Metro Independent Investigations Team (CMIIT) investigators and officers involved in the use of force investigation complied with most requirements to ensure the investigation of the shooting that killed Timothy Green on August 22, 2022, was independent, transparent, credible and communicated to the public timely, as state laws and rules require. Their actions included, but were not limited to, securing the scene of the shooting, obtaining statements from subjects and witnesses, and providing the public with weekly updates about the investigation.

We found one instance in which CMIIT did not follow state rules. CMIIT did not require the community representatives to complete conflict of interest assessments. The commander said he asked the representatives about conflicts verbally, but he did not require they complete a form.

We also found the Olympia Police Department did not maintain documentation showing a supervisor instructed the involved and witness officers not to discuss the incident until they provided statements to CMIIT investigators.

Recommendations

We recommend CMIIT require community representatives to complete conflict of interest assessments.

We also recommend that CMIIT member agency supervisors give administrative orders to involved and witness officers to not speak about the case before providing statements to CMIIT, and maintain documentation that they did so.

BACKGROUND

Use of Deadly Force Incident

The following summary of events is based on the investigation's case files:

On August 22, 2022, at about 10:10 a.m., a store manager called 911 and said a man, later identified as Timothy Green, took beer into the store's bathroom and was yelling and throwing things. The manager said Green came out of the bathroom and was now walking and yelling around the parking lot.

About 10 minutes later, the manager called 911 again and said Green threw a glass bottle at the store's window, was walking in and out of the store and said he wants to kill everyone. Olympia Police Officer Jordan Anderson arrived and saw Green near the side of the building punching the ground. Green then walked into traffic and in front of another responding officer's patrol car. The officers told Green to get out of the road and requested backup.

Officers said Green ran back towards the store, took off his shirt, tried to take things from customers and started screaming at other people. An officer told Green he was under arrest for disorderly conduct and pedestrian interference.

Two more officers arrived, and they formed a plan to arrest Green. Anderson monitored Green while another officer went to get a less-lethal weapon from his vehicle. Green then pulled out a knife.

Two officers walked behind Green and pointed their Tasers at him, while Anderson walked in front of Green and pointed his gun at him. The officers told Green to drop the knife, or he would be tased. Both officers fired their Tasers at Green, striking him in the back. Only one prong from each Taser hit Green's back so neither worked.

Green ran, and Anderson followed alongside him and told him to get on the ground. Green then turned and ran towards Anderson. In response, Anderson fired three shots at Green, hitting him in his torso and back and grazing his upper chest.

An officer reported on the radio that Green was shot. The officers ran to Green, handcuffed him and provided first aid. Paramedics arrived and transported Green to the hospital where he later died.

The Capital Metro Independent Investigations Team (CMIIT), an independent investigation team (IIT) that investigates police use of deadly force incidents involving the cities of Lacey, Olympia, Tumwater and Yelm, responded to the shooting. Investigators from the Lacey, Tumwater and Yelm police departments, as well as the Washington State Patrol, worked on the investigation.

At the request of the Thurston County Prosecutor, CMIIT presented its investigation to the Clark County Prosecutor's Office on January 12, 2023. A deputy prosecutor reviewed the case and wrote in a memo on December 1, 2023, that she would not recommend charges against Anderson. Based on this recommendation, the Thurston County Prosecutor decided not to file charges against Anderson.

Independent Investigation Teams

Voters approved Initiative 940 in 2018. It ensures that one of an IIT's key functions is to investigate police use of deadly force incidents. The initiative requires investigations of police use of deadly force be conducted by an agency completely independent of the one with the involved officer(s). Regional IITs allow law enforcement agencies to respond quickly to use of deadly force incidents while keeping the involved agency out of the investigation. IITs are made up of command staff, detectives and other crime scene investigators from law enforcement agencies in a given region. An IIT also consists of volunteers, called non-law enforcement community representatives, who help give the community perspective during an investigation.

Washington has 17 IITs throughout the state. Many of these teams existed before recent police reform and accountability laws, including Initiative 940, and allowed law enforcement agencies to pool resources for major investigations. Prohibiting the involved agency from participating in these investigations was meant to improve their impartiality and independence by preventing people who are more likely to have a personal relationship with the involved officers from investigating the incident.

The initiative tasked the Washington State Criminal Justice Commission (CJTC) with adopting rules to govern these investigations. The CJTC adopted Washington Administrative Code (WAC) 139-12-030, which requires independent use of deadly force investigations to meet four key principles:

- Independence – the involved agency cannot have undue influence or the appearance of undue influence on the investigation.
- Transparency – community members are able to assess whether the investigation is conducted in a trustworthy manner and complies with the standards defined in state laws and rules.
- Communication – the IIT must communicate the investigation's progress to the public and family of the person killed or harmed by police use of deadly force.
- Credibility – use of deadly force investigations follow best practices for criminal investigations, and investigators meet necessary training requirements and demonstrate ethical behavior and impartiality.

Audit Objective

State law (RCW 43.101.460) requires the Office of the Washington State Auditor to audit all investigations into police use of deadly force resulting in death, substantial bodily harm or great bodily harm.

To determine whether the Olympia Police Department and CMIIT complied with state laws and rules in the investigation of the death of Timothy Green, we reviewed investigative files related to the case, reviewed training records held by the CJTC and member police agencies, and interviewed IIT members, including community representatives. We assessed the involved agencies and IIT's compliance with each of the requirements under the key principles in WAC 139-12-030. This included whether the IIT followed the CJTC's published best practices for conducting homicide investigations.

This report outlines the steps the investigation team took to meet each of these key principles. Appendix A contains information about our methodology.

AUDIT RESULTS

Appendix A outlines our Office's authority and methodology for this audit. In short, state law (RCW 43.101.460) requires the Office of the Washington State Auditor to audit all investigations into police use of deadly force resulting in death, substantial bodily harm or great bodily harm. Our charge is to assess whether the investigations complied with relevant rules and laws. The audit only reviewed the investigation. It did not assess the incident itself or whether the use of force was justified.

Independence

To ensure the investigation was conducted independently of the involved agency, CMIIT investigators assumed control of the scene upon arrival and excluded investigators from the Olympia Police Department. The shooting occurred at about 10:30 a.m. We reviewed investigative reports and found CMIIT learned about the shooting about 15 minutes later. CMIIT investigators began arriving around 11 a.m., and they took control of the scene by 11:45 a.m.

We did not find evidence that any CMIIT member shared investigative information with the Olympia Police Department, or that any member of the Department took part in the investigation.

Transparency

To help improve transparency, CMIIT included two community representatives in the investigation and included them in all required processes. WAC 139-12-030 requires IITs to include at least two community representatives in each investigation. Community representatives are volunteers, not law enforcement agency employees, who provide community perspective on key processes in use of deadly force investigations. They must complete a confidentiality agreement and have access to the completed investigation file.

CMIIT invited two community representatives to participate in the investigation on the day of shooting. The representatives came to the scene and signed confidentiality agreements.

The community representatives had access to the complete case file. CMIIT's confidentiality agreement states that representatives can access the complete case file. We also spoke to one of the community representatives who said CMIIT presented their completed case file to him, and he knew he could access investigative material from the case file if he wanted to.

Communication

CMIIT issued a public update each week during the investigation, and it followed all the communication requirements with the family and the community representatives. The WAC requires the involved agency or IIT notify the family of the person who was killed or injured by the use of force and provide updates on significant developments. The IIT must also post weekly public updates on the investigation's progress, even if there is no new information to report. Community representatives and the family must receive advance notice of these public updates.

CMIIT assigned a family liaison within hours of the shooting, and they informed Green's family of his death. We found that a CMIIT supervisor called or met with the family each week during the investigation, providing them with updates about the investigation and answering their questions. At the end of the investigation, the team presented the investigation's results to the family.

CMIIT issued a public update every week of the 21-week investigation. The team provided advance notice to the community representatives and the family each week.

The Olympia Police Department and CMIIT did not provide criminal background information to the media. The WAC prohibits IITs and involved agencies from providing to the media criminal background information about the person who was killed or injured by police use of deadly force. We reviewed each press release, online news articles and the social media pages of the Olympia Police Department and the Lacey Police Department and did not find any indication that either the involved agency or CMIIT provided criminal background information to the media.

Credibility

Crime Scene Investigation

Officers secured the scene of the shooting by putting up crime scene tape and guarding the scene's perimeter. Officers put traffic cones over shell casings to prevent them from being disturbed. They also closed a drive-through next to the scene and maintained a log documenting who entered and exited the scene.

The Washington State Patrol Crime Scene Response Team responded and processed the scene. The team mapped it using a scanner and collected evidence, including three shell casings, Green's knife and two Tasers. CMIIT investigators also photographed the scene.

Investigators photographed the involved and witness officers at the Olympia Police Department and counted the remaining rounds of ammunition in their firearms. They collected the involved officer's clothing, equipment and guns as evidence. The Department did not have body worn or vehicle dash cameras.

Interviewing Involved Officers and Witnesses

Olympia police officers removed the involved officer from the scene, but we were unable to determine if any of the involved or witness officers discussed the case with each other before they provided statements to CMIIT investigators. Olympia Police Department policy states that each involved officer should be ordered not to discuss the incident with other involved officers or department members. The CJTC's best practices require involved officers to be separated and removed from the scene, and they prohibit involved and witness officers from discussing the case with any other witnesses until they provide statements to investigators.

After the shooting, an Olympia Police officer drove Anderson to the station. One of the witness officers went to the station separately while an uninvolved officer drove two witness officers to

the station together. The case file did not include documentation showing supervisors ordered any of the officers to not discuss the case before they provided statements to CMIIT investigators.

During an interview, the CMIIT commander said when he arrived at the scene, an Olympia Police sergeant told him he ordered the officers not to discuss the case and separated them. However, he did not document this in his narrative report.

The involved officer declined to provide a statement about the shooting. The witness officers wrote statements that their attorney provided to investigators 30 and 37 days after the shooting. CMIIT sent follow-up questions to the witness officers six days after receiving their statements. The attorney sent CMIIT the officers' responses 65 days later.

Investigators interviewed multiple witnesses of the shooting and obtained a video of the shooting that a witness recorded on their cell phone. They interviewed employees at surrounding businesses, collected businesses' surveillance footage, and interviewed the paramedics who treated Green after he was shot.

Case File Integrity

CMIIT stored the investigation files in the Lacey Police Department's records management system as it was the lead investigating agency and restricted it to the appropriate IIT members. The CJTC best practices require an IIT's case file to be restricted from everyone except for IIT members involved with the investigation.

The department's records supervisor created an electronic folder for IIT members to upload case documents to and immediately requested the IT department restrict the folder to only IIT members involved in the investigation and support staff. Two days later, the IT department confirmed with the supervisor the restrictions were in place. The records supervisor placed the same restrictions on the case file stored in their records management system. We reviewed an access log to the case file and found only authorized personnel had accessed it.

The WAC also prohibits IIT members from remaining on an investigation if they receive compelled information that could contaminate the investigation. We did not find any evidence that IIT members received prohibited information during the investigation.

Conflicts of Interest

CMIIT complied with almost all the requirements to assess potential conflicts of interest between involved officers and IIT members. The WAC requires all involved IIT investigators and community representatives to complete a conflict of interest assessment within 72 hours of starting an investigation. This assessment must include questions on work and social relationships with the involved officer, as well as potential biases that could affect their objectivity. The WAC also requires IITs to use the CJTC's standard conflict of interest form or create one that meets or exceeds its standards.

All CMIIT investigators completed the CJTC's standard conflict of interest form within 72 hours of the shooting. The community representatives, however, did not complete assessments. The

commander said he asked the representatives about conflicts verbally, but he did not require they complete a form.

The commander and community representatives reviewed the completed assessments within the required time frame. None of the investigators noted any conflicts with Anderson.

RECOMMENDATIONS

We recommend CMIIT require community representatives to complete conflict of interest assessments.

We also recommend that CMIIT member agency supervisors give administrative orders to involved and witness officers to not speak about the case before providing statements to CMIIT, and maintain documentation that they did so.

INDEPENDENT INVESTIGATION TEAM RESPONSE

Capital Metro Independent Investigations Team – The Timothy Green Case
Use of Deadly Force Incident on August 22, 2022, by the Olympia Police Department

RECOMMENDATIONS

We recommend CMIIT require community representatives to complete conflict of interest assessments.

We also recommend that CMIIT member agency supervisors give administrative orders to involved and witness officers to not speak about the case before providing statements to CMIIT, and maintain documentation that they did so.

INDEPENDENT INVESTIGATION TEAM RESPONSE

In this incident, the two community representatives did not complete conflict of interest forms. The community representatives were verbally deconflicted when they arrived on-scene. Since it is the community representatives that are tasked with approving conflict of interest forms, they were not asked to complete the same form they would later be asked to approve. In the future, CMIIT will have the assigned community representatives complete written conflict of interest forms.

The involved agency told CMIIT their Officers were advised not to speak to each other regarding the event and that they were being separated. However, this was not documented in writing by the person who provided the information. In the future, CMIIT will request this information be provided in a report format to be included with the investigation.

APPENDIX A: AUTHORITY, SCOPE, OBJECTIVE AND METHODOLOGY

Authority

In 2018, Washington voters passed Initiative 940, which, in part, required investigations of police use of deadly force be conducted by an agency completely independent of one with the involved officer. It tasked the Washington State Criminal Justice Commission (CJTC) with adopting rules to govern these investigations. In 2019, the CJTC created a workgroup, including stakeholders from community groups and law enforcement agencies to adopt rules for independent investigations. The rules were outlined in Washington Administrative Code (WAC) 139-12-030 and took effect in January 2020.

The rules were designed to help ensure investigations are independent, transparent, credible and communicated timely to the public and affected people. The rules define the elements of an independent investigation, and explain the duties of the involved agency and independent investigation team (IIT) after police use deadly force that results in death, substantial bodily harm or great bodily harm. In 2021, the Legislature amended state law (RCW 43.101.460) to require our Office audit investigations into police use of deadly force to ensure compliance with the new rules.

Scope

This audit assessed whether the Olympia Police Department and the Capital Metro Independent Investigations Team (CMIIT) complied with state laws and rules regarding the investigation of the use of deadly force that resulted in the death of Timothy Green. It reviewed whether the law enforcement agencies met the criteria for independent investigations as outlined in WAC 139-12-030.

By law, the audit only reviewed the investigation. It did not review the use of deadly force incident nor assess whether the use of force was justified.

Objective

This audit examined whether the Olympia Police Department and CMIIT complied with state laws and rules regarding independent investigations of police use of deadly force.

Methodology

To determine whether the Olympia Police Department and CMIIT complied with state laws and rules regarding independent investigations of police use of deadly force, we reviewed investigative files related to the case and interviewed IIT members. We interviewed IIT members to understand

their investigative process and how they documented their procedures and findings. We also spoke to the IIT's community representatives to confirm whether they were involved in required processes of the investigation. In the case files, we searched for evidence demonstrating the IIT followed the legal requirements. We also reviewed training records from the CJTC and member police agencies.

APPENDIX B: WAC 139-12-030 COMPLIANCE SUMMARY

Independence

Requirement	Compliant?
The involved agency and/or other first responders will provide or facilitate first aid at the scene if necessary.	Yes
The involved agency will relinquish control of the scene.	Yes
The involved agency will not participate in the investigation.	Yes
Any specialized equipment belonging to the involved agency will be approved by the community representatives and the independent investigation team (IIT) commander before it is used in the investigation.	Not applicable
No information about the ongoing independent investigation of police use of deadly force will be shared with any member of the involved agency.	Yes
The IIT commander will honor requests from the involved agency to release body cam video or other investigation information of urgent public interest.	Not applicable

Transparency

Requirement	Compliant?
A minimum of two non-law enforcement community representatives will be assigned to the IIT investigation.	Yes
The community representatives will:	
<ul style="list-style-type: none"> Review conflict of interest statements submitted within 72 hours of the commencement of each investigation 	Yes
<ul style="list-style-type: none"> Have access to the investigation file when it is completed 	Yes
<ul style="list-style-type: none"> Be provided a copy of all press releases and communication sent to the media prior to release 	Yes
<ul style="list-style-type: none"> Review notification of equipment use of the involved agency 	Not applicable
The community representatives will sign a confidentiality agreement at the beginning of the investigation.	Yes
The IIT will provide public updates about the investigation at a minimum of once per week, even if there is no new progress to report.	Yes
When an independent investigation is complete, the information will be made available to the public in a manner consistent with applicable state law.	Yes

Communication

Requirement	Compliant?
A family member of the person against whom deadly force has been used will be notified of the incident as soon as possible.	Yes
The IIT will assign a family liaison within the first 24 hours of the investigation.	Yes
The family liaison will keep the family informed about all significant developments in the investigation.	Yes
The family liaison will give the family advanced notice of all scheduled press releases.	Yes
Neither the involved agency nor the IIT will provide the media with criminal background information of the person against whom deadly force has been used, unless it is specifically requested, and release of the information is required by the Public Records Act or other applicable laws.	Yes
The involved agency will notify the Governor's Office of Indian Affairs (GOIA) in accordance with RCW 10.114.021 if the person against whom deadly force is used is a member of a federally recognized tribe.	Not applicable
A member of the IIT will be assigned as a tribal liaison within the first 24 hours and keep the tribe (or a representative of the tribe's choice) informed about all significant developments of the investigation.	Not applicable

Credibility

Requirement	Compliant?
The involved agency and other first responders will secure the incident scene and maintain its integrity until the IIT arrives.	Yes
The involved agency and other first responders will locate and preserve evanescent evidence.	Yes
The independent investigation will follow these accepted best practices for homicide investigations published and annually updated by the Washington State Criminal Justice Training Center (CJTC):	
<ul style="list-style-type: none"> The on-scene venue agency will ensure that until all statements have been taken, involved and witness officers shall not discuss the case with any other witnesses. 	Unable to determine
<ul style="list-style-type: none"> The involved agency or first responders will separate involved officer(s) and remove them from the immediate scene. 	Yes
<ul style="list-style-type: none"> The IIT will obtain statements from subjects and witnesses. Audio and/or video recording is preferred and should be attempted. 	Yes

<ul style="list-style-type: none"> Interviews of involved officers should follow the policies of their individual agency, collective bargaining agreement and case law. 	Not applicable
<ul style="list-style-type: none"> Interviews with emergency medical personnel, fire department personnel, and first responding officers should address conditions at the incident scene. 	Yes
<ul style="list-style-type: none"> The IIT will canvass the immediate area for potential witnesses who have not come forward and obtain information or statements as available. 	Yes
<ul style="list-style-type: none"> In the event of death, consult with the coroner or medical examiner at the scene and at, or subsequent to, the autopsy. A member of the IIT must attend the autopsy and take all appropriate investigative steps, consistent with other criminal investigations. 	Yes
<ul style="list-style-type: none"> Until the case file is delivered to the prosecutor, access to the IIT case file should be restricted to the IIT members involved. 	Yes
If any member of the IIT receives prohibited information, the investigator receiving the prohibited information must immediately report it to their supervisor and the member must discontinue participation in the investigation.	Not applicable
Within 72 hours of starting the investigation, investigators and community representatives must complete a “conflict of interest” assessment tool regarding any connection to the officers being investigated.	No
The conflict of interest form should assess work and social conflicts and biases. If an IIT uses its own conflict of interest form, the standards must meet or exceed the CJTC’s standard form.	Yes
The IIT commander will review the conflict of interest assessment within 72 hours of the start of the investigation.	Yes
The community representatives and the IIT commander will discuss the conflict of interest assessments.	Not applicable

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In fulfilling our mission to provide citizens with independent and transparent examinations of how state and local governments use public funds, we hold ourselves to those same standards by continually improving our audit quality and operational efficiency, and by developing highly engaged and committed employees.

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