

IN THE DISTRICT COURT FOR THE STATE OF ALASKA
THIRD JUDICIAL DISTRICT AT KENAI

STATE OF ALASKA,

Plaintiff,

vs.

JOSEPH LEE MILLER, JR.

[REDACTED]

JASON ALLEN WOODRUFF

[REDACTED]

Defendants.

No. 3KN-24- 00808 CR (Joseph Lee Miller, Jr.)

No. 3KN-24- 00809 CR (Jason Allen Woodruff)

INFORMATION

I certify this document and its attachments do not contain the (1) name of a victim of a sexual offense listed in AS 12.61.140 or (2) residence or business address or telephone number of a victim of or witness to any offense unless it is an address identifying the place of a crime or an address or telephone number in a transcript of a court proceeding and disclosure of the information was ordered by the court.
The following counts charge a crime involving DOMESTIC VIOLENCE as defined in AS 18.66.990: NONE

**Count I - AS 11.41.230(a)(1)
Assault In The Fourth Degree
Joseph Lee Miller Jr. – 001**

**Count II - AS 11.41.230(a)(1)
Assault In The Fourth Degree
Jason Allen Woodruff – 001**

1 THE ATTORNEY GENERAL CHARGES:

2 COUNT I

3 That in the Third Judicial District, State of Alaska, on or about May 24, 2024, at or
4 near Kenai, JOSEPH LEE MILLER JR. recklessly caused physical injury to another
5 person, Ben Tikka.

6 All of which is a class A Misdemeanor offense being contrary to and in violation
7 of AS 11.41.230(a)(1) and against the peace and dignity of the State of Alaska.

8 COUNT II

9 That in the Third Judicial District, State of Alaska, on or about May 24, 2024, at or
10 near Kenai, JASON ALLEN WOODRUFF recklessly caused physical injury to another
11 person, Ben Tikka.

12 All of which is a class A Misdemeanor offense being contrary to and in violation
13 of AS 11.41.230(a)(1) and against the peace and dignity of the State of Alaska.

14
15 The undersigned swears under oath this Information is based upon a review of
16 law enforcement reports AK24053955, AK24048789, 2024-1645, 2024-3127, and expert
17 reports submitted to date.

18 **Offense**

19 On 24 May 2024, Soldotna Dispatch notified local law enforcement about a public
20 assistance call they had received inquiring about camping in public. Dispatch provided
21 information to law enforcement that the caller was believed to be Garrett Tikka who had
22 an outstanding misdemeanor warrant for his arrest for failing to remand to serve a 10 day
23 sentence on a charge of Driving While License Revoked. State of Alaska v. Garrett Cody
24 Tikka, 3KN-24-00205CR.¹ Dispatch further advised that Garrett Tikka was associated

25 _____
26 1. This case stemmed from an incident 8 March 2024 at 2:00am where WOODRUFF stopped Garrett Tikka driving
27 a white 2001 Dodge truck at Kalifornsky Beach Road and West Poppy Lane. See AK24022011. WOODRUFF
cited Garrett Tikka for not having a valid driver's license and released him on his own recognizance.

1 with a black 2008 GMC Denali, displaying Alaska plate [REDACTED] The vehicle is
2 registered to Matthew or Sharon Tikka.

3 Based on a review of audio, at 4:40am on 24 May, Kenai Police located the GMC
4 Denali parked at Daubenspeck Family Park on Marathon Road, in Kenai. At 4:41am
5 Alaska State Trooper Sergeant JOSEPH MILLER radios to Trp Colleen Bryant to ask if
6 she had “copied” that Kenai PD had located “Tikka’s vehicle” at the dog park. MILLER
7 says that he was holding off on contact until they could get additional units to the park
8 because “he’s a runner.” MILLER asked dispatch to confirm what Tikka was wanted for.
9 Dispatch told MILLER that Tikka has a warrant for “Fail to Appear” on a DWLR².

10 MILLER radios Alaska State Trooper JASON WOODRUFF to stage by Walmart.
11 MILLER asks for dispatch to send OL photos of Tikka to all of the responding officers.
12 At 4:46am MILLER’s body-worn camera records a phone call with WOODRUFF where
13 they discuss Tikka and that he has a \$150 warrant. MILLER tells WOODRUFF that
14 Tikka ran from somebody on another shift and WOODRUFF clarifies that Tikka “ran on
15 foot.” WOODRUFF is a K9 officer, and the two discuss using the K9 during the contact.
16 WOODRUFF says “it’d be one of those things that’s “lawful but awful.” At this point
17 MILLER tells WOODRUFF that “if he runs on foot; mainly I want to have the dog over
18 here because there's a chance... I’m hoping were going to catch him sleeping and we’ll
19 either pin him or throw some sticks in there and keep him from going.”

20 WOODRUFF responds “let me know what your thoughts are this, pinning his
21 vehicle right away, I’ll have the dog out on lead, if he decides to foot bail, I think I’ll
22 make a couple of announcements and then fuck it – I’ll just send that mother fucker.”
23 MILLER tells WOODRUFF, “that’s your call.” MILLER said he wanted to see how
24 Tikka is parked and WOODRUFF said “yeah I want to pin him to start with right away,
25 then I can call him out with the dog.”
26

27 2. Driving While License Suspended or Revoked is either an Infraction (if the offender has no prior conviction) or a
Class A misdemeanor (if the offender has a prior conviction). AS 28.15.291.

1 Prior to Troopers and Kenai Police approaching the GMC Denali they observe a
2 black Chevrolet pickup truck leave the dog park. WOODRUFF stops the Chevrolet on
3 Marathon Road near the Walmart with the belief that Tikka is inside the truck.
4 WOODRUFF has the driver Tony Hernandez exit the pickup truck, observes he is not
5 Tikka, and MILLER advises WOODRUFF that Tikka was still in the GMC Denali at the
6 park.

7 At 4:59am, SGT. JOSEPH MILLER's body-worn camera is activated as he,
8 WOODRUFF, and Trp Bryant arrive on scene at the dog park. A black GMC Denali is
9 parked nose in. As MILLER arrives, Trp Bryant is parked behind the Denali and
10 WOODRUFF is to her left with K9 Olex on a tether. MILLER radios to Kenai Police
11 Department Ofc Chad Larsen that they have no movement in the GMC Denali and it is
12 likely Tikka is in the Chevrolet truck.

13 In the camera footage, WOODRUFF is heard in the background making standard
14 announcements including "Show me your hands!" and "Come out now!" He is also
15 cursing K9 Olex and tells MILLER "somebody do something man, I got fucking bit, God
16 damn it." MILLER walks up to the passenger side of the GMC Denali with his pistol
17 drawn and calls out "to get out of the car now!" MILLER directs Trp Bryant to come
18 around to the driver's side and then he walks around to the driver's side where
19 WOODRUFF is staged. WOODRUFF tells MILLER "[K9 Olex is] in fucking biting
20 mode man" as he pulls K9 Olex away from MILLER. The two are seen trying to use their
21 cell phone cameras to look through the GMC Denali's back glass.

22 At 5:03am, MILLER walks to his patrol vehicle and radios that it does not look
23 like Tikka is in the GMC Denali, and that "he's probably in the truck." MILLER then
24 radios to Trp Luke Kumfer that Tikka is probably in the Chevrolet. MILLER tells Trp
25 Bryant and WOODRUFF "let's go" and WOODRUFF tells MILLER somebody needs to
26 stay with the Denali and suggested Tikka might be in it. WOODRUFF secured K9 Olex
27 in his patrol vehicle. MILLER told WOODRUFF to assist Kenai Police since he had the
dog and WOODRUFF replied "they already got it stopped."

1 Meanwhile, Trp Kumfer and Kenai Police Department Ofc Alan Hild locate and
2 stop the Chevrolet truck again; this time on the Kenai Spur Highway. Ofc Hild asks Mr
3 Hernandez if Garrett Tikka is in the truck and Mr Hernandez says “no” but adds that he
4 was just parked next to the GMC Denali and he saw Ben Tikka. Mr Hernandez tells Ofc
5 Hild that he gave Ben Tikka a cigarette and that no one else was with Ben Tikka. Trp
6 Kumfer searches the Chevrolet and saw no one else inside. A review of Trp Kumfer’s
7 body-worn camera shows that at 5:05am, Trp Kumfer radios MILLER “he is not in this
8 truck.” Ofc Hild then tells Trp Kumfer what the driver told him – that Ben Tikka is in the
9 GMC Denali. Trp Kumfer replies “interesting” and returns to his patrol vehicle to try to
10 radio MILLER at 5:06am. He is advised by dispatch that MILLER may be on the Kenai
11 Police channel. WOODRUFF then announces on the radio “we have him in this [GMC
Denali].” Trp Kumfer leaves the traffic stop and heads towards the dog park.

12 That the person inside the GMC Denali is Ben Tikka rather than Garrett Tikka is
13 never relayed to the law enforcement officers at the dog park.

14 WOODRUFF is not equipped with his body-worn camera during the incident. Trp
15 Bryant’s body-worn camera is inactive during the encounter with Tikka as she had turned
16 it off when troopers believed they were heading to the traffic stop on the Kenai Spur
17 Highway. MILLER and Ofc Larsen’s body-worn cameras recorded the incident.

18 As seen on the videos, MILLER walks up to the passenger side of the GMC
19 Denali and calls out “Mr Tikka, we’re getting ready to go ahead and fill the cab of this
20 [sic] with pepper spray if we have to, but you’re coming out, bud.” MILLER then walks
21 around to the driver’s side where WOODRUFF is trying to look through a crack in the
22 glass. WOODRUFF tells MILLER the windows had black garbage bags on them and that
23 “he’s in here.” MILLER calls out “I’m serious dude, you better come out. We’re going to
pepper spray the fuck out of this – the whole inside of your truck if you don’t.”

24 At 5:06am, WOODRUFF says he can see Tikka inside. Next, MILLER threatens
25 to break the window and grab Tikka’s “ass.” MILLER yells “Tikka – either you come
26 out, or we’re going to bust out your window and we’re going to send that fucking dog in
27

1 there with you and you're going to get bit the shit out of you!" At this time,
2 WOODRUFF radios to the other officers that they have Tikka in the GMC Denali.

3 MILLER again threatens to send the dog into the vehicle. Tikka begins a dialogue
4 with MILLER. MILLER orders Tikka to "Get up now; you got a warrant for your arrest.
5 Get the fuck out of your car now!" Tikka, who cannot be seen, is heard asking "For
6 what?" and MILLER replies "You got 10 days to serve. Get out of the car." MILLER
7 continues to order Tikka out of the car and says that if Tikka will not comply, they will
8 break the vehicle's window and pull him out.

9 Tikka continues to ask about his warrant and MILLER yells "DWLR! Driving
10 While License Revoked! You got 10 days to serve! I will break out your damn
11 windows!" Tikka tells MILLER he is meeting his public defender at 11:00am and that he
12 does not have a warrant. MILLER then holsters his pistol and draws his collapsible baton.
13 MILLER again warns Tikka "I'm gonna break out your fucking window if you don't
14 come out!" Tikka tells MILLER he cannot break out his window, at which point
15 MILLER smashes out the rear driver side window using the baton and then draws his
16 pistol.

17 MILLER shines his pistol light on Ben Tikka who is holding a cell phone and
18 sitting in the back. Tikka says "That's crazy man, you're using force." At this time, K9
19 Olex is out of the patrol vehicle and tethered. WOODRUFF yells for Tikka to come out
20 or "I'm sending the dog into the truck!" Ben Tikka asks "What's your badge number
21 sir?" The troopers continue to order Ben Tikka out of the vehicle. MILLER holsters his
22 pistol and draws his taser and pepper spray. MILLER then sprays pepper spray inside the
23 vehicle. Tikka immediately screams in obvious discomfort. Ben Tikka's eyes are closed
24 and he is screaming and grunting as WOODRUFF orders him to get out or else he will
25 send in the dog.

26 MILLER yells "When you come out, you better come out with your hands up!"
27 Tikka begins to move toward the GMC Denali's door. When Tikka reaches out of the
broken window to pull on the handle to open the door, as directed, K9 Olex jumps on the
vehicle and attempts to bite Tikka's hand. MILLER states, "He's going to bite your ass if

1 you don't come out with your hands up." Tikka uses the interior door handle to open the
2 door. As Tikka exits the vehicle the OC spray has obviously altered his vision and sense
3 of dexterity. Tikka exits with both hands in view. In Tikka's left hand is his cell phone
4 and his right hand is empty. Tikka's eyes are closed and he is still grunting in pain as he
5 slowly walks hunched over toward MILLER. Tikka is shoeless as he walks over the
6 broken glass from the GMC Denali's window. MILLER orders Tikka "Get on the
7 fucking ground!"

8 MILLER approaches Tikka and kicks Tikka in the shin followed by a strike to the
9 back of Tikka's head or neck with his fist. While holding the Taser he pushes the back of
10 Tikka's head towards the ground. MILLER then backs away and points the taser at Tikka
11 as Trp Bryant attempts to move Tikka onto his stomach. MILLER then stands/kneels near
12 Tikka's head/upper back area while Trp Bryant continues to attempt to push Tikka onto
13 his stomach. MILLER has his taser in his hand and is aiming it at Tikka's back.

14 MILLER then deploys his taser at Tikka from a close distance. At the same time
15 MILLER steps on Tikka's head with his boot, pushing Tikka's head into the ground.
16 Tikka is seen screaming/panicking, as he yells out "What are you doing?" MILLER then
17 places his knee into Tikka's back, as he places the taser on Tikka's back for a drive-stun.
18 MILLER tasers Tikka again, while inadvertently tasing Trp Bryant as well, causing her
19 to retreat from restraining Tikka. Both MILLER and Trp Bryant both back away from
20 Tikka as he begins rolling on the ground and screaming. During the second taser
21 deployment, K9 Olex approaches Tikka and bites his abdomen area and clothing.

22 WOODRUFF then gives the command *Voran*³ to K9 Olex. As the taser cycle
23 ends, K9 Olex begins barking at Tikka as he is on his hands and knees and looking at the
24 ground. Blood is visible covering and dripping from Tikka's head. MILLER commands
25 Tikka to place his hands behind his back. Tikka is seen on the video laying on his
26 stomach and placing both of his hands in the small of his back as ordered by MILLER.

27 3. *Voran* (pronounced "ForRun") is the command to search for or detain/apprehend subject aka "find and bark or bark and detain command".

1 K9 Olex then bites Tikka’s left tricep while his arm is behind his back. K9 Olex bites
2 Tikka multiple times on his left arm. MILLER is still giving commands for Tikka to
3 place his hands behind his back, although Tikka’s hands are behind his back already, and
4 he is being bitten by K9 Olex. K9 Olex then releases his bite, at which point Tikka gets to
5 his knees and begins to move away from the dog. K9 Olex continuously attempts to bite
6 Tikka as Tikka is moving away from the K9. MILLER then re-applies the taser and Tikka
7 falls to the ground.

8 WOODRUFF begins giving the command *Der Flucht*⁴ to K9 Olex. Tikka is on the
9 ground screaming as he is being tased and K9 Olex reengages and bites him multiple
10 times. MILLER’s left foot is raised and then suddenly brings it down in the direction of
11 Tikka’s head. It is not clear from the video if he makes contact with Tikka’s head.
12 WOODRUFF tells others on scene “let the dog work.” Tikka is rolling on the ground
13 while being bitten by K9 Olex. MILLER is holding his Taser while standing on one side
14 of Tikka, while WOODRUFF is on the other side of Tikka holding K9 Olex’s lead. Trp
15 Bryant and Ofc Larsen are standing behind WOODRUFF observing the situation.

16 Tikka, who is screaming, yells, “My hands are behind my back sir please stop.”
17 WOODRUFF continues to give the bite command to K9 Olex. Tikka’s face and head are
18 seen to be bleeding profusely at this point.

19 MILLER yells, “Hands up!” and Tikka gets into a kneeling position and places
20 both hands in the air above his head, while K9 Olex continues to bite his left arm.
21 WOODRUFF pulls back on K9 Olex and commands the dog “Off” but the dog does not
22 release the bite. Tikka begins to stand up as K9 Olex shakes his head while still actively
23 biting Tikka. Tikka yells, “Can I go to jail? Please stop this now!” K9 Olex continues to
24 bite Tikka’s arm and Tikka falls to a seated position on the ground.

25 Ofc Larsen attempts to go “hands on” with Tikka, commanding Tikka to get on
26 the ground, but WOODRUFF puts both arms out and says, “Let the dog work.” MILLER
27 yells for Tikka to place his hands up. Tikka pleads, “Please stop the dog, please stop the

4. *Der Flucht* (pronounced “Defluke”) is the command to apprehend subject/bite the subject aka “bite command”.

1 dog.” Tikka is using his right hand to hold his left arm which is still being bitten by K9
2 Olex. At this point, Tikka’s sweatpants are nearly at his knees and his underwear is
3 visible. Ben Tikka then falls over on to his stomach while screaming.

4 The videos continue with K9 Olex shakes his hand violently back and forth while
5 biting Tikka’s arm. WOODRUFF is heard saying “Good boy, good boy” while
6 attempting to pull K9 Olex off of Tikka. Tikka is on the ground yelling, “Please stop you
7 guys I am not a criminal.” MILLER replies, “You were told!” WOODRUFF uses a tool
8 called a breaker bar to get K9 Olex to discontinue biting Tikka. Tikka then lays on his
9 stomach with his hands behind his back. MILLER is standing near Tikka’s head.
10 MILLER is holding his taser in his right hand and using his left hand to push down on
11 Tikka’s back. Tikka repeatedly states that he cannot breathe. MILLER states, “You were
12 given so many opportunities man.”

13 Tikka states that he needs to go to the hospital and MILLER and WOODRUFF
14 request dispatch send Emergency Medical Services to the scene. Trp Bryant is laying on
15 Tikka’s back and handcuffs him. Trp Kumfer arrives on scene and Ofc Larsen is still
16 observing. WOODRUFF has K9 Olex on his lead and the dog continues to bark at Tikka
17 after he is handcuffed. Trp Kumfer, Trp Bryant, and Ofc Larsen tend to Tikka. Tikka
18 asks, “why did you do that to me?” MILLER responds that he had a warrant and Tikka
19 stated that they didn’t have to bite him like that. MILLER then tells Tikka he should not
20 have fought them.

21 At no time during the interaction did any law enforcement officer ask the subject
22 in the GMC Denali what his name was. MILLER only addressed the man inside the
23 GMC Denali as “Mr Tikka” or “Tikka”.

24 EMS arrive and transport Tikka to Central Peninsula Hospital. Trp Kumfer
25 accompanies EMS staff and Tikka in the ambulance. During the ride to the hospital Trp
26 Kumfer confirms it is Ben Tikka – not Garrett Tikka – who troopers contacted and
27 arrested.

Later, at the hospital, Sgt Ethan Norwood conducted an interview with Tikka
regarding only the use of the dog. Sgt Norwood asked Ben a series of questions relating

1 to the dog and the dog bites. These questions were specific, such as where Tikka was bit,
2 what did the trooper say to him before the dog bit him, what did he do after the trooper
3 said he may be bit if he did not comply with their commands, when did he realize the dog
4 was there and what did he say while the dog was biting him. Tikka was cooperative and
5 answered Sgt Norwood's questions.

6 In essence Tikka tells Sgt Norwood he did not know what happened. He said he
7 put his hands up, then they broke his window, and they then put the dog on him. He said
8 he treated the troopers with respect, that they shattered his window, and pepper sprayed
9 him while he was sitting in his car minding his own business, "chilling." Tikka said he
10 did not have a license, he told the officers he was going to meet his lawyer, and that he
11 told troopers he did not have a warrant for driving revoked because he took care it. Tikka
12 said he was reaching for his cell phone so he could call his parents. Tikka told Sgt
13 Norwood the trooper threatened to sic the dog on his "fucking ass"; that they threatened
14 to put the dog in the car, and it was not going to be pretty.

15 Tikka said he had his hands on the ceiling. He said he was upset, but unlocked the
16 door even though the window was broken. Tikka said he tried to put his hands up and
17 they put the dog on him. He fell and someone tried to tackle him. Tikka said he was
18 coming out calmly and he did not know why this happened. Tikka said he yelled at the
19 troopers to stop and he was tased. Tikka said he was not resisting and that the dog was
20 preventing him from putting his hands behind his back. A review of the videos and
21 audios demonstrated Tikka answered the questions honestly. Tikka told Sgt Norwood
22 people mistake him for his cousin "Garrett Tikka" and that he felt that the force used by
23 law enforcement was unnecessary.

24 Troopers remanded Ben Tikka and charged him with three counts of Assault in the
25 Fourth Degree, under AS 11.41.230(a)(3) for recklessly placing the troopers in fear of
26 physical injury, one count of Resisting or Interfering with Arrest, under AS
27 11.56.700(a)(1), and one count of Disorderly Conduct, under AS 11.61.110(a)(6). State
of Alaska v. Ben Tikka, 3KN-24-00477CR. The Kenai District Attorney's Office later
dismissed the criminal case.

INFORMATION

State of Alaska v. Joseph Lee Miller, Jr., 3KN-24-_____ CR
State of Alaska v. Jason Allen Woodruff, 3KN-24-_____ CR

Investigation

The Alaska Bureau of Investigation was alerted to this incident on 6 June 2024 and began their investigation into the troopers' use of force.

Investigators obtained Ben Tikka's medical records. In summary the final diagnosis of injuries included:

- Open bite of left upper arm;
- Displaced fracture of body of scapula, left shoulder, left arm;
- Laceration of muscle, fascia, and tendon of triceps, left arm; and,
- Laceration without foreign body of other part of head

Records revealed Ben Tikka's injuries required debridement and repair while he was sedated under general anesthesia. During surgery it was determined that the "lacerations extend through the subcutaneous tissue and into the muscle with some minor tearing of the triceps muscle primarily."

On 14 June 2024 WOODRUFF provided a statement to investigators. He was permitted to view MILLER'S and Ofc Larsen's body-worn camera footage, and his own report from the 24 May 2024 incident before deciding whether to provide a statement. After viewing these materials WOODRUFF gave the following statement:

When I do deploy the dog, it's not something that I take lightly. It's something that is very well thought out. And in this scenario, this exact situation, this is exactly what my training had basically taught me. If we did have a use of force continuum, if there was such a thing, which there's not for using the canine, for using force with the canine, I can have that dog out on any, to assist in any misdemeanor arrest. In this certain circumstance, we gave warnings, numerous warnings, we used an ASP baton, we told the guy we were going to bust the window out. We busted the window out. We OC sprayed the guy. He came out of the car super pissed.

Yeah, was he throwing punches or anything like that? No. However he was still resistant. He ended up getting tasered. The officers, the two troopers can't get him into handcuffs, let alone a third Kenai police officer who seemed half ass committed to me. And so three of them can't get him into handcuffs. So I gave the dog the command

1 to apprehend the suspect, and which the dog did. I kept the dog on
2 the guy until he did exactly what I said which was get on his face
3 and then I immediately lifted the dog off. And that was, that decision
4 was made because all other options had failed. You know using the
5 K9 is not deadly force, we had used every tool available to us
6 including the K9 and then that seemed to be the only effective tool
because we were able to get him into handcuffs. That was to prevent
any injury from either myself or any of the other officers that were
there on scene.

7 WOODRUFF admitted he deployed a K9 resulting in the physical apprehension of Ben
8 Tikka. WOODRUFF offered little reasoning or justification regarding his decision to use
9 this level of nondeadly force in light of the circumstances.

10 Additionally, his report, written directly after the incident, has several
11 discrepancies from what is observed in the videos. In his report, WOODRUFF wrote “I
12 advised [MILLER] that I would not necessarily be inclined to send the K9 for an
13 apprehension if Tikka foot bails from the vehicle since he is known as a runner when
14 contacted by the police.” Yet, WOODRUFF is heard on video footage telling MILLER in
15 a phone call “I’ll have the dog out on lead, if he decides to foot bail, I think I’ll make a
16 couple of announcements and then fuck it – I’ll just send that mother fucker.”
17 WOODRUFF wrote in his report “When Garrett exited the vehicle, I was standing
18 approximately 15 ft away from him with K9 Olex. K9 Olex was barking and was up on
19 his hind legs wanting to pull towards the suspect.” However, as the video shows, K9 Olex
20 is up against the GMC Denali on his hind legs as Tikka unlocks and tries to open the
21 vehicle. K9 Olex is even seen trying to bite Tikka’s hand as he places it on the exterior
22 door handle. WOODRUFF was actually no more than 6 feet from Tikka when he exits
the GMC Denali.

23 WOODRUFF’S report states:

24 An attempt was made by Sgt. Miller, Trooper Bryant, and Officer
25 Larson [sic] to physically gain control of Tikka and handcuff him.
26 Garrett was actively resisting arrest. Garrett is much larger than all
27 three of the Officers on scene that were traying [sic] to gain control
of Garrett. Garrett appeared to me to be high on methamphetamine.
The Officers were unable to gain physical control of Garrett. I was

1 concerned based on Garretts behavior that Garrett was either going to
2 flee from the scene or continue to resist and fight officers.

3 Yet WOODRUFF’S report fails to acknowledge that MILLER, in front of WOODRUFF,
4 kicked Tikka and struck him in the back of his head/neck, forcing Tikka to the ground.
5 WOODRUFF’S written account further ignores that once Tikka was on the ground, with
6 Trp Bryant trying to handcuff Tikka, MILLER tasered Tikka.

7 Further, it is during this tasing of Tikka that WOODRUFF commands K9 Olex
8 to *Voran*, or apprehend. The sequence of events is not as WOODRUFF details in his
9 report: “I yelled for everyone to stay back and let the K9 work. I gave K9 Olex the
10 apprehension command. K9 Olex apprehended the suspect, and they went down to the
11 ground. I used the K9 breaker bar and K9 Olex disengaged from Tikka.”

12 In the body-worn camera footage, K9 Olex continues to bite Tikka as Tikka tries
13 to stand. K9 Olex is not working alone, but rather MILLER tasers Tikka again while K9
14 Olex is still biting Tikka. Only then did K9 Olex disengage from Tikka. WOODRUFF
15 did not, as he wrote in his report, utilize a breaker bar to disengage K9 Olex from Tikka
16 at this time. K9 Olex disengages from Tikka the first time at WOODRUFF’S command.

17 Moments later, WOODRUFF re-engages K9 Olex by commanding K9 Olex to
18 *Der Flucht* (bite) Tikka, even though Tikka has his hands behind his back. That is a
19 separate and distinct command than to apprehend. And, as commanded by his handler,
20 K9 Olex bites Ben Tikka for sixty-six (66) consecutive seconds. WOODRUFF
21 documented in his report “Tikka was able to stand up and I yelled for him to stay down
22 on the ground, or I was going to send the dog again.” This is not supported by the
23 footage, as K9 Olex began to bite Tikka as Tikka was complying with commands, and
24 then continued to bite Tikka as he moved to stand in an apparent attempt to protect
25 himself from the K9. “Tikka stood up and was able to resist arrest and the other officers
26 were unable to gain control over Tikka and get him into handcuffs. I gave K9 Olex an
27 apprehension command again.” But, as shown in the video, WOODRUFF actually gave
the *Der Flucht* (bite) command not the *Voran* (apprehend) command and the canine
behaved as ordered – he bit Ben Tikka continuously for over a minute.

1 WOODRUFF report states, “K9 Olex apprehended Tikka and he and K9 Olex
2 ended up on the ground again. I was able to get Olex to disengage from the apprehension
3 again.” This is partially correct; after commanding K9 Olex to bite, WOODRUFF had to
4 use the K9 breaker bar at this time to remove K9 Olex from an injured Tikka. The use of
5 the breaker bar was because K9 Olex failed to obey WOODRUFF’S command to stop
6 biting Tikka.

7 Investigators spoke with MILLER on 28 June 2024 and he provided a statement to
8 investigators after viewing his and Ofc Larsen’s body-worn camera footage, as well as
9 reviewing his report from the 24 May 2024 incident.

10 MILLER stated that upon Tikka exiting the GMC Denali “My goal is to
11 immediately get him onto the ground. I end up sweeping his leg and try to push him
12 down to the ground as quickly as possible, which worked.” MILLER continued “As soon
13 as he goes to the ground, my first immediate thought is to control him and keep him
14 down, so I do mastoid control. I think very briefly, I had my boot on his mastoid.”
15 MILLER explained, “The boot was there briefly to just hold him long enough so I can
16 transition to my knee. My knee, my shin bone went across his mastoid. Trying to control
17 his head to keep him flat on the ground.”

18 MILLER was asked about his training in the use of his foot to provide mastoid
19 pressure. MILLER reported the application was based on circumstances requiring him to
20 improvise. “Trying to control this guy’s head. It’s to keep him down is the only goal of
21 any of that, of boot on his head or anything. That would be the only goal of that, is to try
22 to keep him down. The only reason why I’m not on top of him myself is because there is
23 a ball of fur that right there with teeth, that I don’t want to get bit also, that is on him
24 still.”

25 MILLER told investigators he did not see any weapons on Ben Tikka. Sgt. Miller
26 disclosed that Tikka made no ‘direct threats’ when he was asked about whether there
27 were any statements made in regard to physical violence..

1 When asked if he felt there was adequate time for Mr Tikka to comply with each
2 individual portion of force used, MILLER replied, "I can address with the portions of
3 force that I used, yes I do believe so."

4 The footage shows that MILLER energized his Taser for five (5) seconds,
5 deploying two taser cartridges less than twelve (12) inches away from Tikka that likely
6 resulted in four (4) total probes contacting Tikka's back. The initial five (5) second
7 application included two drive stun applications. MILLER activated the taser for a
8 second five (5) second cycle. MILLER disclosed his initial taser application was in
9 response to Tikka rolling while Trp Bryant was attempting to control him. MILLER
10 stated he determined that they were losing control of the situation, which may prolong or
11 result in a ground fight. MILLER said the second application was in response to Tikka
12 begging to get up.

13 When asked, "Looking back, now understanding that it's not Garrett Tikka, do
14 you still feel like all the actions and the force, and everything was reasonable that you
15 specifically used?" MILLER replied, "Yeah." When asked, "Do you think that the force
16 and the actions that the other troopers and officers on scene were reasonable based on
17 what was occurring?" MILLER replied, "From my understanding, yes."

18 MILLER told investigators, "If he had come and opened the door, the window
19 wouldn't have been broken out. If he had come out of the vehicle, he wouldn't have been
20 pepper sprayed. If he had immediately just laid down and gotten onto the ground or if
21 once, he was on the ground he wouldn't have to tried to roll and fight, he wouldn't have
22 got tased." He continued, "At least from my perspective goes, the force that I used, was
23 in response to his non-compliance and it was only in attempt to get him to comply and
24 only an attempt to get the situation to stop. I just wanted him to be safely detained."

25 MILLER's initial written report was silent on several instances of use of force he
26 used against Tikka. MILLER did not document that he kicked Tikka or that he struck
27 Tikka in the head/neck to force Tikka to the ground. Instead, MILLER wrote "He began
to move forward, and I grabbed his shoulder directing him to the ground." Notably
MILLER's kick and strike to Tikka's head/neck is not captured on his body-worn camera

1 but is visible only from Ofc Larsen’s body-worn camera footage. Also not documented in
2 MILLER’s report is that he placed the bottom of his boot on the back of Tikka’s head,
3 pushing Tikka’s forehead down onto the asphalt on three occasions during the incident.
4 Like the other undocumented uses of force against Tikka, these are not captured on any
5 of the trooper body-worn cameras, but only on Ofc Larsen’s.

6 Screen Captures

7 The following are screen captures of the incident from the body-worn cameras of
8 MILLER and Ofc Larsen, timestamped and in chronological order. The screen captures
9 document that the extent of MILLER and WOODRUFF’s use of nondeadly force in
10 arresting Ben Tikka for a misdemeanor warrant was objectively unreasonable per AS
11 11.81.370 and that aspects of their reports are inaccurate and contain omissions.



INFORMATION

State of Alaska v. Joseph Lee Miller, Jr. 3KN-24-_____ CR
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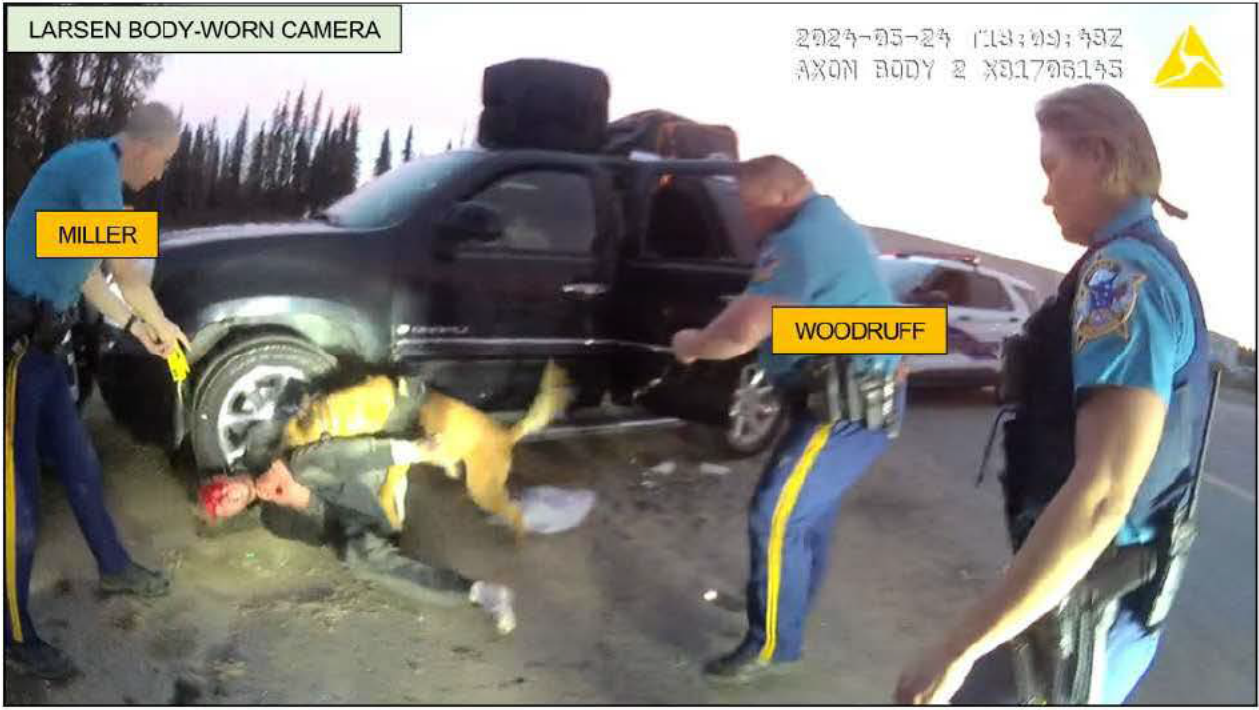
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INFORMATION

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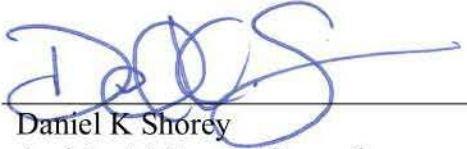
BAIL INFORMATION

Per the Alaska Public Safety Information Network, the defendants have zero prior criminal convictions.

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Dated at Anchorage, Alaska this 14 day of August 2024.

TREG TAYLOR
ATTORNEY GENERAL

By: 
Daniel K Shorey
Assistant Attorney General
Alaska Bar No. 0311069