



TWIN FALLS COUNTY
PROSECUTING ATTORNEY

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MEMO

DATE: July 8, 2024

TO: Scott Bandy, Ada County Chief Deputy Prosecuting Attorney

FROM: Grant Loeb, Twin Falls County Prosecuting Attorney

RE: Ada County CITF Case #GCPD DR 23-001806, Christoffer T. Huffman

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Pursuant to the agreement between Ada and Twin Falls Counties, and having received the complete file in this case, I have reviewed the CITF investigation into the September 7, 2023, law enforcement-involved use of deadly force incident involving Christoffer T. Huffman.

Conclusion:

I have concluded after reading the reports, reviewing the evidence, conferring with the detectives from the Garden City Police Department who headed up the Critical Incident Task Force investigation, and consulting Idaho Code Sections 18-4009, 18-4011, and 19-202A, that there is insufficient evidence to support a criminal charge beyond a reasonable doubt against any of the deputies involved in the September 7, 2023, law-enforcement use of deadly force against Christoffer T. Huffman.

Pertinent Facts:

On September 7, 2023, there was an officer involved shooting in Ada County. The incident occurred in the city of Star where Christoffer T. Huffman was shot by a deputy of the Ada County Sheriff's Office. The Ada County Critical Incident Task Force investigated the incident.

At 5:25 p.m. on September 7, 2023, Ada County Sheriff's Deputies were dispatched to 1299 N. Callander Way in Star, Idaho, regarding a suicidal subject, identified as Christoffer T. Huffman. Christoffer had left his house on Callander Way and walked southeast on Worsley Way to the end of the street to a construction site. The area was a large open field with dirt, rock, and weeds, construction equipment and open trenches. Deputies learned that Huffman was suicidal, and intent on achieving his suicide by having the police shoot him. The original reporting party, [REDACTED] was waiting nearby at the corner of Worsley Way and Moonglade Street. Prior to entering the construction site, Deputies briefly met with Mr. [REDACTED]. Mr. [REDACTED] said he had received concerning text messages from Christoffer indicating he was contemplating suicide. Mr. [REDACTED] found out where Huffman was, went to the locations and contacted 911. [REDACTED] also called to report a possible suicide attempt by his co-worker whom he identified as Christoffer T. Huffman. [REDACTED] received texts from Huffman within the last hour before the incident saying,

“Divorce – Nothing to live for,” “I’m done,” and, “It’s my time.” Huffman’s wife, [REDACTED] [REDACTED] said that Huffman had recently been showing signs that he was considering suicide. At 5:42 she received a text from Huffman saying, “you are my life that’s leaving because of me.” Huffman had also left a suicide note on the refrigerator in his home.

When deputies arrived, Huffman was armed with a black Sig Sauer P365 pistol. He was surrounded by beer and hard liquor containers. Huffman was seated on the ground against a concrete barrier facing them. Huffman was unresponsive to any commands or hails from law enforcement. At one point, Huffman picked up a handgun manipulated the slide to chamber a round into the firearm. Deputies began giving Huffman commands to put the gun down. Huffman shook his head “no.” Deputies attempted to call Huffman and left voicemail messages to try to communicate with him. Huffman continued manipulating the gun and pointing it at himself and putting it back down. At times Huffman held the firearm in his lap with the barrel pointed up toward his chin. He also placed the gun near his right temple.

Deputies attempted to hail Huffman with the patrol vehicle PA system and activated their sirens to try to re-direct Huffman. This seemed to have some effect, but he again picked up the firearm and begin manipulating it.

Huffman then fired a single gunshot and slumped to his right. It appeared that Huffman was still breathing. Deputies maintained their positions of cover and observed Huffman through binoculars and began formulating a plan to move up closer to Huffman. Deputies commanded Huffman to show his hands and toss the gun away so that they could render aid. Huffman eventually began to move around and reached toward his head. Huffman continued to disobey verbal commands.

Huffman rolled around and began motioning toward deputies and pointing at them, then pointing at himself. Huffman sat up with the gun in his hand. Huffman saw the law enforcement drone flying overhead and yelled at it. Officers, using the drone PA system, gave him commands to drop the gun, but Huffman remained uncompliant. Huffman began manipulating the gun back and forth and switching hands, putting it down and picking it back up again. Huffman continued manipulating the gun and changing his position, setting the firearm down on his leg with his hand resting on it, and yelling, “shoot me!” He yelled this approximately 5-7 times. He appeared very agitated as he was animatedly moving his arms around with the black handgun in his hand.

Huffman then picked up the gun with his finger near the trigger, but straight in a “safe” position. His finger was not on the trigger. He continued moving the gun around and pointing the firearm in different directions. Deputies and the drone PA system continued giving Huffman commands to drop the gun. Huffman pointed the gun out in front of him slightly toward the ground but in the direction of law enforcement. Holding the gun in the “safe” position, Huffman twice put the gun up to his own head—each time returning it to his lap. Then, at 6:18 p.m., he switched his grip on the gun, placed his finger on the trigger and began to raise the gun, possibly again towards his head, but in a more forward direction towards the deputies.

At his point one of the deputies fired his weapon, striking Huffman in the chest.

Huffman was hit, but continued moving. Deputies formulated a plan to approach Huffman in a safe manner and provide aid. But, due to the fact that Huffman had earlier feigned injury, deputies were cautious. Eventually they reached Huffman and found he had a single gunshot to the upper right portion of his chest and a single exit wound in his back. Deputies tended to Huffman as medics moved in to place him onto a stretcher and take him to the ambulance for transport to the hospital. As he was taken away, Huffman asked deputies to kill him and to let him die. Huffman later died at the hospital as a result of a single gunshot to the chest.

When Huffman's gun was examined after the incident there were nine rounds found in the gun, and two unspent rounds in the dirt, the spent shell casing was found to the right of where Huffman was sitting.

After the incident, the deputies involved were interviewed. All stated that they observed Huffman waving his handgun around and felt fearful that he would shoot himself or law enforcement officers. At the point where he twice held the gun up to his head the barrel of the gun was twice pointed toward officers as he moved the gun. Various deputies in a position to fire upon Huffman were preparing to shoot him if he continued to direct the weapon at law enforcement. When he moved the weapon for the final time, officers say, they perceived that it was pointed toward them and they were afraid he was going to fire in their direction—likely because this time, for the first time—he had his finger on the trigger. At this point one of the deputies fired on Huffman.

Analysis: I have analyzed this incident *solely* to determine whether the facts justify criminal charges against any Ada County Sheriff's Deputy for the use of deadly force against Christoffer Huffman. I am not authorized to, nor do I, take any position regarding Ada County Sheriff's Office policy, training, or tactics; they are for the Sheriff's Office to analyze internally.

The facts in this case reveal that Christoffer Huffman was suicidal, was armed with a loaded weapon, had fired his gun as officers attempted to negotiate with him, was repeatedly screaming at deputies to shoot him, and—by wildly waving his gun in all directions—was both taunting officers to shoot him and posing a threat to those officers. These actions, while apparently designed to be suicidal and to entice police to shoot him, were also criminal acts of aggravated assault—especially when Huffman finally switched to holding the gun with his finger on the trigger. Deputies initially responded to the situation by confronting Huffman, ordering him to drop his gun, and cordoning off the area to prevent his escape. But Huffman's level of antagonism elevated. His demands that deputies shoot him increased in intensity. He picked up the gun with his right hand, and when he raised it to his head. Finally, Huffman changed his grip on the gun, putting his finger on the trigger of his loaded gun, and raised it again. As he raised it the barrel pointed in the direction of the deputies. In response to all of these sudden actions by Huffman, the reaction of the deputy who fired was arguably justifiable under Idaho Code 18-4009 and/or Idaho Code 18-4011.

Idaho Code 18-4009 makes homicide justifiable “by any person” when “resisting any attempt to . . . commit a felony,” or “when necessarily committed in attempting, by lawful ways and means, to apprehend any person for any felony committed,” or in “lawfully keeping and preserving the peace.”

The Ada County Deputies were responding to a crisis involving an unstable, armed man in the performance of their lawful duties. Once Huffman fired his weapon and waved it around occasionally pointing it at deputies, they were arguably engaged in lawfully trying to disarm and apprehend him. Their actions were those of law enforcement officers “lawfully keeping and preserving the peace.”

Idaho Code 18-4011 states that “homicide is justifiable when committed by public officers . . . when reasonably necessary in order to prevent the escape of any person charged with or suspected of having committed a felony, provided the officer has probable cause to believe that the . . . person suspected of or charged with the commission of a felony poses a threat of death or serious physical injury to the officer or other persons.”

Given Huffman’s increasingly erratic and dangerous behavior as the situation progressed, the deputy who fired on Huffman reasonably perceived that Huffman posed a “threat of death or serious physical injury to the officer or other persons.”

Idaho Code 19-202A repeats the long-standing Idaho law that, “In any prosecution for the unlawful use of force, including deadly force, or the attempted or threatened use of force . . . the burden is on the prosecution to prove *beyond a reasonable doubt* that the use of force, attempted use of force or threat to use force *was not justifiable*.”

The following information was known to the Ada County Deputy before he discharged his weapon:

- Huffman was suicidal;
- Huffman was dangerously unstable;
- Huffman was likely under the influence of alcohol (given the bottles and cans strewn around him);
- Huffman was armed with a firearm;
- Huffman’s gun was loaded;
- Huffman had fired at least one shot from this firearm during the standoff;
- Huffman held the gun in his hand;
- Huffman was repeatedly ordered to drop the gun;
- Huffman refused those orders;
- Huffman repeatedly waved the gun around. As he did so, the barrel sometimes pointed toward deputies;
- There were several officers potentially in the line of fire of Huffman’s gun;
- Huffman’s actions seemed to be escalating as he dramatically demanded, “shoot me!”;
- Huffman twice raised the loaded gun to his head, sweeping it towards officers as he did;
- Huffman suddenly changed the way he held his gun—placing his finger on the trigger—and again raised the gun.

Finally, it is important to note that one of the other deputies on the scene stated to investigators that because of the threat he perceived from Huffman, he was also preparing to shoot him, only checking his fire after the other deputy fired.

Based on the forgoing, the Ada County Deputy Sheriff had cause to believe that Huffman was a continuing and immediate danger to himself and other law enforcement officers who were engaged in the lawful performance of their duties.

Given Idaho Codes 18-4009, 18-4011, and 19-202A, all the facts in this case, and what the Deputy knew when he fired on Huffman, there does not exist sufficient evidence to prove beyond reasonable doubt that the Deputy who fired on Huffman committed a crime under Idaho Code.

Conclusion: I have concluded after reading the reports, reviewing the evidence, conferring with the detectives from the Garden City Police Department who headed up the Critical Incident Task Force investigation, and consulting Idaho Code Sections 18-4009, 18-4011, and 19-202A, that there is insufficient evidence to support a criminal charge beyond a reasonable doubt against any of the deputies involved in the September 7, 2023, law enforcement use of deadly force against Christoffer T. Huffman.