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August 23, 2022

Today I'm announcing my decision not to pursue any criminal prosecution involving the use of deadly force by Melbourne Police Officer (MPO) whose name has been withheld as a condition of Marsy's Law, and Florida Institute of Technology (FIT) Security Officer Carlos Garcia that resulted in the death of Alhaji Sow on December 3, 2021.

This announcement comes after a careful review by my office into the findings of investigations conducted by the Florida Department of Law Enforcement (FDLE), Melbourne Police Department (MPD), and Brevard County Medical Examiner.

Losing a loved one in such a tragic and violent manner must be heartbreaking for the surviving family and friends of Mr. Sow. And while I'm moved by the thought of how difficult this must be, my responsibility is to render a decision based solely on the facts and evidence, according to the laws of Florida.

The role of the State Attorney in any investigation into the use of deadly force by law enforcement, is limited to determining if a criminal violation of Florida Law has occurred, if any individual may be held criminally responsible, and if that finding can be proven beyond a reasonable doubt at trial. The State Attorney does not establish agency policy, procedures, and training requirements. Nor does the State Attorney have any responsibility for determining disciplinary action or pursuing civil litigation in these matters.

Investigative Findings

On December 3, 2021, the MPD received a 911 call of an armed disturbance on the FIT campus. A 911 caller advised that the subject, later identified as Mr. Sow, was dressed in dark clothing armed with a knife and chasing him on campus. Additional information was received that Mr. Sow had assaulted other students on campus and ultimately entered the Campbell Hall Dormitory.

MPO arrived on the scene and entered the Campbell Hall Dormitory with Security Officer Garcia. They were directed to room number 106 by a resident of the dormitory who observed Mr. Sow enter that room. Mr. Sow, while a student of FIT, did not reside in that room and MPO did not know if there were any other persons inside. MPO entered the room while Security Officer Garcia remained positioned by the opened door. None of the lights in the dorm room were illuminated.

MPO activated the light on his pistol and searched the room. Turning to his right, MPO observed Mr. Sow crouched behind a small refrigerator with a skateboard covering his face and the front portion of his body. As MPO said “hey” and reached for the skateboard, Mr. Sow immediately lunged forward with a pair of scissors and stabbed MPO in the leg. In response, MPO and Security Officer Garcia fired eighteen rounds and struck Mr. Sow multiple times, causing his death.

I have determined that the use of deadly force by MPO and Security Officer Garcia was lawful and justified under the provisions of Chapter 776, Florida Statutes. No further action will be taken by this office as to that issue.

Additional Contributing Factors

There are additional facts in this case that provide a critical framework for the extremely chaotic and frightening scene that law enforcement was responding to on the night of December 3rd which I believe is important to the decision reached today.

The violent behavior exhibited by Mr. Sow that night was uncharacteristic according to other students and his family. Witness testimony indicates that Mr. Sow ingested multiple doses of LSD, a powerful hallucinogenic drug, prior to the series of campus attacks on other students. Mr. Sow’s roommate told investigators that he witnessed Mr. Sow “tripping” on psychedelic drugs at least once a week prior to this event.

Unfortunately, the decision to engage in illegal drug use can often have tragic and sometimes fatal consequences. I believe the use of a hallucinogenic drug would have played a significant role in producing Mr. Sow’s confusing and violent behavior, including his response to law enforcement on the FIT campus December 3, 2021.

The investigation documented the following actions by Mr. Sow:

- Slapping a female student on the buttocks
- Punching another female student several times in the stomach
- Hitting cars and knocking over scooters in the parking garage while arming himself with a knife stolen from one of the vehicles
- Chasing a 911 caller
- Seen by a delivery driver armed with a knife trying to break into a different dormitory hall
- Unwanted sexual advances to another student in her room before forced out

- Calls to security from a group of female students concerned with his behavior towards them in their rooms
- Punched a male student in the head and neck several times as he tried to enter a dormitory hall
- Fleeing from security and refusing to stop as he entered Campbell Hall
- A student resident answering his door in Campbell Hall was confronted by Mr. Sow with scissors and blood on his hands, grabbing the resident's shirt and demanding his phone before the resident pushed him away and locked his door.

These incidents were the basis for the flood of 911 calls and information received by MPD and FIT security. Including an initial report by a caller that Mr. Sow may have been armed with a gun. While this was later found to be inaccurate, at the time it raised responding law enforcement's concerns that an active shooter scenario might be possible.

Exigent Circumstances

The decision to make a warrantless entry to a residence or apartment can be based upon the officer's reasonable belief that an immediate threat may exist within and could result in the great bodily harm or death of another person. MPO explained to investigators, he believed the apartment was not Sow's and based on the earlier reports of his attacks, could have placed anyone in the apartment in immediate danger.

Some will argue that MPO could have secured the hallway and waited for backup or made other attempts to have Mr. Sow surrender rather than entering the room. But it's not difficult to imagine how these same critics would have responded had an innocent student in the room been killed or injured by Mr. Sow, while MPO waited outside.

Number of Shots Fired

A total of eighteen shots were fired by MPO and Security Officer Garcia, including shots fired after Mr. Sow was down on the floor. I can confirm that this issue also caused concern and discussion among investigators and myself and contributed to the delay in reaching this decision. However, the chaos and conditions confronted by both officers in that room must be considered when determining what is reasonable.

The statements of the officers, along with the body worn camera recording confirm the room was dark, that Mr. Sow attacked MPO with a bladed instrument later identified as a pair of scissors, and that both officers fired their weapons to stop the attack. The ensuing noise, smoke, and movement of Mr. Sow led to a belief that the threat was continuing. According to their training, the officers continued to fire until they believed the perceived threat was concluded.

I would note that the discharge of the numerous rounds by the officers occurs in seconds. Previous studies presented to this office have described how human beings process information in the use of deadly force incidents. Once the decision to fire has been initiated it does not

immediately terminate in the split seconds while an officer is trying to decide if the threat is still viable.

The sudden and violent death of a person is tragic, and the use of deadly force must be thoroughly investigated and carefully reviewed. I am confident that has been done in this case.

The detailed findings contained within the professional investigation conducted by the Florida Department of Law Enforcement proved invaluable in helping guide the decision reached here.

Sincerely,

A handwritten signature in blue ink, appearing to read "Phil Archer", written over the word "Sincerely,".

Phil Archer