



BCPO News

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Results of BCPO Review of Camden Officer-Involved Shooting

In accordance with the Supplemental Law Enforcement Directive Amending Attorney General Law Enforcement Directive No. 2006-5 entitled Uniform Statewide Procedures and Best Practices for Conducting Police-Use-of-Force Investigations (effective July 28, 2015), the Burlington County Prosecutor's Office is releasing the following statement regarding a police-involved shooting incident that occurred in the City of Camden on January 11, 2017.

This investigation was conducted by the Camden County Prosecutor's Office in accordance with both Attorney General Law Enforcement Directive No. 2006-5 and the Attorney General's Supplemental Law Enforcement Directive Regarding Uniform Statewide Procedures and Best Practices for Conducting Police-Use-of-Force Investigations. In accordance with the aforementioned directives, the Camden County Prosecutor's Office performed a comprehensive conflicts inquiry and continued to update the inquiry report based upon new information as it was received. A conflict arose after the completion of the investigation of this incident but before the final review by the assigned Camden County Assistant Prosecutor.

The Camden County Prosecutor's Office promptly notified the Director of the Division of Criminal Justice who determined that the interests of justice would be best served by superseding the investigation and assigning the matter to the Burlington County Prosecutor's Office to ensure the impartiality and independence of the investigation.

The investigation, which was reviewed by Burlington County Prosecutor Scott A. Coffina, revealed that on January 11, 2017 at approximately 11:31 a.m. Camden County Police Department, Metro Division Police Officer David Stinsman encountered Jose A. Fernandez inside a second-floor apartment located at 2748-B Federal Street in the City of Camden. Officer Stinsman and several other Metro Division Police Officers had responded to 2748-B Federal Street to investigate a report of a domestic violence situation involving a male armed with a gun.

Officer Stinsman announced that police officers were entering the building and then ascended a narrow flight of steps leading directly into the second floor apartment. Two other officers were directly behind him. Officer Stinsman briefly observed Mr. Fernandez at the top of the steps when Mr. Fernandez peeked his head around the wall. At that point, Officer Stinsman knew that Mr. Fernandez was alerted to the presence of the officers on the steps.

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As Officer Stinsman neared the top of the steps he observed a child walk across the room to his left. Officer Stinsman then heard the distinct sound of a slide moving forward on a handgun. The sound came from the left side of the room. Officer Stinsman quickly scanned the room and saw Mr. Fernandez's wife, Elisvel Gomez, sitting on a couch with a baby in her arms. The couch was located to Officer Stinsman's left. Officer Stinsman also observed Ms. Gomez's sister in the kitchen area directly ahead of him and to his right. As Officer Stinsman reached the top of the steps he observed Mr. Fernandez to his left on the other side of the wall separating the apartment from the steps.

Mr. Fernandez had a gun in his hand and quickly walked towards Ms. Gomez. Mr. Fernandez pointed the handgun at Ms. Gomez and opened fire. At that point, Officer Stinsman pointed his weapon at Mr. Fernandez and fired. Mr. Fernandez was shot multiple times by Officer Stinsman but continued forward and fell on top of Ms. Gomez. Mr. Fernandez ultimately died as a result of his injuries. Ms. Gomez was shot multiple times by Mr. Fernandez and suffered serious injuries but survived. Subsequent investigation revealed that Mr. Fernandez assaulted Ms. Gomez earlier that day before arming himself and shooting her during the deadly encounter.

After carefully considering all the circumstances surrounding Officer Stinsman's encounter with Mr. Fernandez, the Burlington County Prosecutor's Office concluded that the material facts surrounding this incident are undisputed and clearly demonstrate that Mr. Fernandez was attempting to murder Ms. Gomez at the time Officer Stinsman was forced to engage him. Officer Stinsman was therefore authorized by law and the Attorney General's Use of Force Policy to use deadly force to defend Ms. Gomez, himself and the other officers who were coming up the steps at the time of the incident.

Thus, in accordance with both Attorney General Law Enforcement Directive No. 2006-5 and the Attorney General's Supplemental Law Enforcement Directive Regarding Uniform Statewide Procedures and Best Practices for Conducting Police-Use-of-Force Investigations, the Burlington County Prosecutor's Office did not present this matter to a Grand Jury for possible action. Officer Stinsman acted appropriately when he utilized deadly force to defend Ms. Gomez and neutralize the clear threat posed by Mr. Fernandez to every person in the residence. Furthermore, the force used by Officer Stinsman was objectively reasonable and justified pursuant to the Attorney General's Use of Force Policy.

The Office of the Attorney General-Division of Criminal Justice reviewed the investigation and recommendation pertaining to this matter and concurs with the determination of the Burlington County Prosecutor's Office that the use of force by Officer Stinsman was legally justified.

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