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By: Alison Reynolds
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OCCUPY NEW JERSEY, et al.,

Plaintiffs,

v.

RAYMOND L. ZAWACKI, et al.,

Defendants.

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION
Docket No. MER-

Civil Action

**CERTIFICATION OF CAPTAIN
NEIL BROSANAN**

I, NEIL BROSANAN, being of full age, hereby certify that:

1. I am a Captain in the New Jersey State Police. I am the commander of Field Operations Section, Troop C, Region 3. The Office of State Governmental Security falls within my command. The Office of State Governmental Security is responsible for providing security for over 60 state building and grounds, including the New Jersey World War II Memorial ("the Memorial"). The property on which the Memorial is located is state owned. The Department of Military and Veteran Affairs (DMAVA) has custodial responsibilities for the Memorial.

2. The Memorial is easily accessible from nearby streets and roads. There is no fence or other barrier that encompasses the perimeter of the Memorial. As a consequence, there is no practical way that the State Police can control who enters and leaves the site.

3. The Memorial is directly across West State Street from, and within approximately 100 feet of, the State House Complex.

4. On October 4, 2011, I learned that a group similar to or associated with Occupy Wall Street was planning similar

demonstrations in both Jersey City and in Trenton, New Jersey to begin on October 6, 2011. I placed a number of State Police on standby to ensure that there would be adequate security for the demonstrations.

October 6, 2011

5. On October 6, 2011, at approximately 2:00pm, several demonstrators began congregating at the Memorial located on West State Street, directly across from the State House. Approximately 20 demonstrators arrived on site and began a demonstration. At this time, the demonstrators on site only possessed a few signs, drums, chairs and computer equipment. The demonstrators were holding the signs and none were being left unattended. There were no large items such as furniture and coolers on site.

6. State Police patrols monitored the activity of the group to maintain security at the site. The security is necessary to ensure the safety of all persons who either participate in the demonstrations or are in close proximity to the demonstration. Those persons include demonstrators, spectators, members of the public, persons seeking access to buildings in the area, and persons who work or live in the area surrounding the Capital Complex.

October 7, 2011

7. At 6:30 p.m., State Police asked the demonstrators if they would be willing to accept a permit for the purpose of demonstrating on State Capital Complex grounds. State Police made that request because they are better able to ensure the safety and security of demonstrators protesting under a permit on Capital Complex grounds because the permit provides the State Police adequate information regarding the number of participants and the items that they are utilizing or intend to use in their demonstration. The group initially agreed to move onto the Capitol Complex grounds, but then declined the offer of a permit upon presentation of same at 7:00pm.

8. During this conversation, State Police observed that the group was using electricity from an outlet located on the World War II Memorial. We advised the group to cease the use of any electricity on the site and explained that the electricity was intended only to power maintenance equipment at the World War II Memorial. As the State pays the utility bills for the Memorial, general public use of the Memorial's outlets is prohibited. Therefore, the group was advised that the use of electricity for general public consumption is strictly forbidden

on the site and that further attempts to use the same would require law enforcement action.

October 8-10, 2011

9. On October 8 - 10, 2011, State Police periodically monitored the safety of and public access to the World War II Memorial. We observed that the demonstrators had set up several sleeping tents during the night and that several members of the group slept throughout the night on the Memorial.

10. Closed tents in an open area present special security problems. They provide an opportunity for persons to conceal weapons, explosives or other hazardous materials. Because the Memorial is easily accessible from nearby streets and roads, persons other than demonstrators would have an opportunity to use the tents to conceal dangerous items. This makes it more difficult for the State Police to adequately monitor the site.

October 11, 2011

11. On October 11, 2011, plaintiffs had brought multiple cushions, an inner tube, a table set up as a "food station", a "medical station", and several laptop computers to the Memorial. Additionally, there were multiple signs that were scattered on the ground and blowing into the street. The pictures attached to this certification as Exhibit A accurately depict the condition of the site on October 11, 2011.

12. The demonstrators continued to use the Memorial's electrical outlets. When I asked the group how they were powering the laptops, someone stated that they were using a battery backup. When asked where that back up was, the person indicated "over there". Further investigation revealed that the group plugged back into the power as previously advised not to. They had covered the extension cords and the outlet box with mulch in an attempt to conceal same. The group continuously disregarded instruction for proper use of the War Monument.

13. Additionally, the numerous large items brought by plaintiffs physically blocked public access to the Memorial and obstructed the public's use and enjoyment of the Memorial. I also received a complaint from a local business person that some group members were urinating in public behind the memorial.

14. The large amounts of equipment and materials that had arrived on site presented new significant safety and health concerns given the Memorial's proximity to the State House Complex. None of the articles at the site, both seen and

unseen, had been screened for safety. Such items provide an opportunity for persons to conceal dangerous items, such as weapons, explosives, and hazardous materials. Because the Memorial is easily accessible from nearby streets and roads, persons other than the demonstrators would have an opportunity to use the articles to conceal dangerous items.

October 12, 2011

15. By October 12, 2011, the kinds and amount of material and equipment on site increased further. For example, tarps were placed throughout the Memorial, numerous coolers and large "Tupperware" type bins were scattered through the site. Plaintiffs had erected an eight foot by eight foot canopy-type structure and several sleeping tents. There was also an old couch on site. In addition, the group was now operating a generator, with a gasoline can located directly next to it.

16. By this time, the expansion of the kinds and amount of material on site created significant safety concerns, particularly in light of the site's proximity to the State Capitol building. Items such as coolers, containers, and tents can easily be used to conceal dangerous items. None of these items had been screened for safety. Moreover, because of the fluid nature of the group, the State Police had no way of knowing who was coming on site and what additional items might be brought on site.

17. Because of the growing public safety concerns, at approximately 8:00am on the morning of October 12, State Police advised the group to take down the sleeping tents and the canopy structure. The group removed the tents, but not the canopy structure as requested. Later that day, DMAVA's private contractor turned off the power to the outlets at the memorial.

October 13, 2011

18. On October 13, 2011, DMAVA notified the State Police that the site's expanding use into a permanent-looking campground was interfering with public access to the site. DMAVA provided a letter to the State Police outlining DMAVA's rules for use of the site. The pictures attached to this certification as Exhibit B accurately reflect the condition of the site on October 13, 2011.

19. At approximately 4:30pm on October 13, the State Police explained to the group DMAVA's rules for the use of the site. Consistent with the guidelines established by DMAVA, State Police advised the group that they were welcome to

continue their demonstration at the site, but in doing so they would be allowed to have in their possession only items pertaining to personal sustenance, or signs, placards, etc. being held or attended. These guidelines are consistent with the rules applicable to demonstrations on the State Capital Complex grounds. These basic rules ensure the safety and security of demonstrators, the public, and State property. I advised the group that they had until 5:30pm to comply with these rules.

20. At 5:30 that evening, I returned to the site. Lt. Richard Finneran of the State Police accompanied me. I again advised the group that all unattended items and camping equipment must be removed. The group stated that they were trying to gather some support to accomplish the task. For example, they were looking to a local food bank to take the excess food. In addition, I was told by one of the persons on site that they did not know who owned many of the items at the site. In light of their reasonable efforts to comply with the direction provided, I advised them that the State Police would give them more time before taking any action.


21. I returned to the site with Lt. Finneran at approximately 7:00pm that evening. We again advised the group that all unattended items and camping equipment must be removed. Although the group had made progress in removing items, numerous coolers, bins, tarps, blankets, pillows, cushions, etc. remained on site. We offered to the group the use of a parking space that was well-lit and monitored via security cameras to store any excess equipment until the next day, when the group could make proper arrangements for removal of this material. The group declined this offer. Thus, I advised them that they would be given until 12 noon the following day to remove any unattended items and that anything unattended would be considered abandoned and subsequently removed.

October 14, 2011

22. On October 14, 2011, I and other State Police officers returned to the site at several times throughout the morning and observed two piles of equipment and numerous signs left unattended. We provided warnings at 8 a.m., 9 a.m., and 10 a.m. that any unattended equipment or signs would be considered abandoned and subsequently removed. The pictures attached to this certification as Exhibit C accurately reflect the condition of the site on October 14, 2011.

23. At 12:30 p.m., the independent contractor who oversees the maintenance of the World War II Memorial arrived to remove all unattended/abandoned items. These items were transported to a Department of Treasury warehouse for storage. The group in attendance was advised that any abandoned items could be claimed at the warehouse during business hours any time that day, or Monday or Tuesday of the following week. These items remain at the warehouse and can still be claimed, though these items cannot be held there indefinitely.

24. To date, the State Police have conducted numerous checks of the World War II Memorial. Regularly and repeatedly, the group is reminded of DMAVA's rules for use of the Memorial. Nonetheless, unattended items remain at the site. The pictures attached to this certification as Exhibit D, taken October 17, 2011, illustrate plaintiffs' non-compliance with guidelines established to ensure the public safety. The continuing need to monitor the site and remind the group of these rules is becoming a significant drain on limited State Police Resources. As I explained above, the Office of State Governmental Security has responsibility for approximately 60 state buildings and grounds in Trenton. The need to continually return to this site hampers the State Police's ability to respond to emergencies and perform its other duties throughout Trenton.


Neil Brosnan, Captain
New Jersey State Police

Dated: 10/26/11