

BEFORE THE HUNTSVILLE POLICE CITIZENS  
ADVISORY COUNCIL

INTERVIEW OF  
MARK McMURRAY  
FEBRUARY 11, 2021  
10:10 A.M.

COURT REPORTER: Brooke Stagg, CCR

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A P P E A R A N C E S

INDEPENDENT COUNSEL FOR HUNTSVILLE POLICE

CITIZENS ADVISORY COUNCIL:

MR. JACKSON R. SHARMAN

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MR. EDDIE BLAIR

CITY HALL, 6TH FLOOR

308 FOUNTAIN CIRCLE

HUNTSVILLE, AL 35801

1 MEMBERS OF ADVISORY COUNCIL PRESENT:

2 Ms. Victoria Guerrieri, Chair

3 Mr. Willie Love

4 Mr. David Little

5 Ms. Shelly McCulley

6 Mr. Ruben Flores

7 Mr. John Olshefski

8 Mr. John Reitzell

9 Mr. Gregory J. Bentley

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11 ALSO PRESENT:

12 Ms. Brooke Stagg, Court Reporter

13 with Birmingham Reporting

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1 I, Brooke L. Stagg, a  
2 Certified Shorthand Reporter of  
3 Huntsville, Alabama, and a Notary Public  
4 for the State of Alabama at Large, acting  
5 as Commissioner, certify that on this  
6 date, there came before me at the Public  
7 Services Building, 320 Fountain Circle  
8 Southwest, Huntsville, Alabama, commencing  
9 at approximately 10:10 a.m. on February  
10 11, 2021, MARK McMURRAY, for oral  
11 examination, whereupon the following  
12 proceedings were had:

13  
14 MS. GUERRIERI: I want to thank  
15 Chief for coming this morning and all of  
16 the city employees that are here. I'd like  
17 to thank Jack and Liz and the team that  
18 we're working with out of Birmingham that  
19 have been assisting us with this very  
20 detailed review.

21 We'll get started by calling  
22 roll. Willie love?

23 MR. LOVE: Here.

1 MS. GUERRIERI: John Olshefski?

2 MR. OLSHEFSKI: Here.

3 MS. GUERRIERI: John Reitzell?

4 MR. REITZELL: Here.

5 MS. GUERRIERI: Ruben Flores?

6 MR. FLORES: Here.

7 MS. GUERRIERI: David Little?

8 MR. LITTLE: Present.

9 MS. GUERRIERI: Greg is on his  
10 way. Jonathan will not be here. Shelly  
11 McCulley?

12 MS. McCULLEY: Here.

13 MS. GUERRIERI: And we don't know  
14 about Wiley. Okay.

15 This has been a lot of work to  
16 work through all of the information that  
17 was provided and looking at video  
18 recordings, and it's been -- it's been a  
19 lot, but we are glad to do it, and I think  
20 our product will be well-received when  
21 submitted.

22 At this time, Jack, I'll go ahead  
23 and turn it over to you and Liz and your

1 team to move forward.

2 MR. SHARMAN: All right. Thank  
3 you, Vicki.

4 And, Chief, welcome. I  
5 appreciate your time. We'll try to be as  
6 mindful of that as we can.

7 Trey, is there anything you wish  
8 to say or address before we get going?

9 MR. RILEY: I think we're good  
10 and ready to roll.

11 MR. SHARMAN: All right. And,  
12 again, Chief, I'm Jack Sharman. My  
13 colleague, Liz Huntley, and I, were  
14 retained by the CAC to give them advice and  
15 some personnel help with regard to this  
16 review. The testimony is transcribed. As  
17 you can see, the court reporter is here,  
18 but it's not sworn testimony as we've done  
19 with all the other individual witnesses  
20 that we've visited with.

21 I'll ask you -- make the same  
22 request of you that we make of any other  
23 witness that we've interviewed

1 individually, which is that, to the extent  
2 you can, and, in your case, consistent with  
3 your duty, keep the substance of what we  
4 talk about confidential. The fact of the  
5 meeting and all that is fine.

6           Because, invariably, what happens  
7 is, as we go along and interview  
8 individuals, if they chat about the  
9 substance, they tend to contaminate each  
10 other's views and recollections so that  
11 they can't determine did I know that or did  
12 I know that because John told me that in a  
13 conversation. So to the extent that can be  
14 honored consistent with your duties, we'd  
15 appreciate it.

16           Also consistent with the way  
17 we've handled other individual witnesses,  
18 we want to spend just a few minutes getting  
19 a picture of you, just who you are sort of  
20 for the record, so we'll ask just kind of a  
21 few basic questions about you, and then  
22 we'll move to some of the events and  
23 questions that bring us here today.

1                   This isn't an endurance contest.

2    If you want to take a break, visit with  
3    Trey, or tend to business, that's  
4    absolutely fine. We don't have to stay  
5    locked in where we are.

6                   So just first off -- oh. One  
7    more thing. Forgive me. As you and  
8    everybody else can see, Brooke, our court  
9    reporter, is making a record, so that,  
10   Chief, when you and I talk, and then  
11   members of the CAC, when you speak, if you  
12   would, one, keep your voice up because we  
13   are trying to be socially distanced; two,  
14   if possible, if you could identify yourself  
15   for Brooke; and then three, as I know  
16   everybody will anyway, but let's not try to  
17   talk over each other because that's very  
18   difficult for Brooke to get a nice, clear  
19   record. So let questions get all the way  
20   out and let answers get all the way out,  
21   and it will be a lot easier to read.

22                   All right. Chief, if you could,  
23    just for Brooke, give us your full name.



1 CHIEF McMURRAY: It's Mark  
2 McMurray, M-C-M-U-R-R-A-Y.

3 MR. SHARMAN: And did you grow up  
4 in Huntsville?

5 CHIEF McMURRAY: I did, yes, sir.

6 MR. SHARMAN: And what about  
7 education? High school, college, all that.

8 CHIEF McMURRAY: So I graduated  
9 high school from Athens Bible School. Went  
10 on to college. Attended several colleges.  
11 I got my bachelor's degree at Athens  
12 University. Went on and got my master's  
13 degree at Auburn Montgomery in  
14 administration and public safety.

15 MR. SHARMAN: And then after  
16 that, any other formal education,  
17 certifications, licenses, that kind of  
18 thing?

19 CHIEF McMURRAY: Yes, sir. Just  
20 over the span of my career, over half of my  
21 career I've been in special operations  
22 divisions and have acquired literally  
23 hundreds of certificates and certifications

1 and schools that I attended and classes,  
2 whether it be local or even almost 15 years  
3 in canine certifications and competitions  
4 and every aspect of canine handling. I --  
5 I could spend hours talking about all of my  
6 classes, so --

7 But yes, it's been a very  
8 fulfilling career, and it's been a  
9 challenging career in that I've done almost  
10 -- participated in every part of the police  
11 department as 34 years would permit me.

12 MR. SHARMAN: With regard to  
13 those certifications or sort of additional  
14 educational opportunities, did any of those  
15 focus or address civil disturbances, civil  
16 unrest, riots, and those kind of issues?

17 CHIEF McMURRAY: Yes, sir. Seven  
18 years I was the lieutenant over special  
19 operations division which fell upon the  
20 constant monitoring and permitting of every  
21 protest, reservation, special event. We  
22 had 3- to 400 events per year.

23 But at any time for the past

1 15 years, we have always maintained an  
2 ongoing protest or reservation permit at  
3 every time we have ongoing -- whether it's  
4 abortion or antiwar or pro-troop rallies.  
5 We just keep these monitored to make sure  
6 the constitutional rights of everyone  
7 participating is protected and everyone  
8 that's involved is protected.

9           So, yes, sir, that seven years as  
10 a lieutenant really was a -- we doubled the  
11 size of our special events team during that  
12 seven years just to handle the amount of  
13 events that we coordinate throughout the  
14 city that go on year-round.

15           MR. SHARMAN: Outside that sort  
16 of seven-year on-the-job training of that  
17 variety, anything else as far as training,  
18 certifications, classes, that sort of thing  
19 about riots, about civil disturbances,  
20 about sort of mass control, anything like  
21 that?

22           And I'm not saying -- before you  
23 answer, just because I ask a question

1 doesn't mean I'm assuming there's

2 necessarily an answer, so...

3 CHIEF McMURRAY: Well, I won't be  
4 able to include everything, but just off  
5 the top of my head, the 40-hour course in  
6 Anniston was for civil unrest and  
7 coordination. I certainly attended that  
8 and was certified nationally in that.

9 I also was a member of the --  
10 used to be called the mobile field force  
11 where I participated in a monthly training.  
12 I was a grenadier, so that was my  
13 participation.

14 I was also a sergeant which  
15 participated in the staffing and  
16 supervision. As I came up through the  
17 ranks, I continued to monitor that. Even  
18 as a lieutenant in special operations, I  
19 still had, as one of my duties, the  
20 maintenance and training supervision of the  
21 mobile field force under my...

22 So it's just been a variety of  
23 tasks throughout my career that have been

1 attached to that type of activity you're  
2 asking, yes, sir.

3 MR. SHARMAN: And for people who  
4 may not be familiar with all the  
5 vocabulary, just remind us what's a  
6 "grenadier"?

7 CHIEF McMURRAY: A grenadier is a  
8 person that goes to a special school and  
9 learns all of the tactics involved in  
10 launching smoke, gas -- which we call CS --  
11 pepper spray. Any type of special weapons  
12 like the launchers, you have to be  
13 certified to operate, maintain, know how to  
14 use safely, and so there is a certification  
15 process. That's what a grenadier...

16 MR. SHARMAN: Let me turn your  
17 attention, Chief, for a few minutes with  
18 regard to the events of last summer that  
19 bring us together today, the general topic  
20 of intelligence, the information preceding  
21 them and then used during them. So I'll  
22 ask you some specific questions, but I want  
23 to spend a few minutes on that. Okay?

1 All right. So, first, as I  
2 understand it, there is an entity or  
3 organization here called, by it's initials,  
4 NAMACC; is that right?

5 CHIEF McMURRAY: Yes, sir.

6 MR. SHARMAN: Okay. What does  
7 NAMACC stand for?

8 CHIEF McMURRAY: North Alabama  
9 Multi Agency Crime Center.

10 MR. SHARMAN: What is its  
11 purpose? What does it do?

12 CHIEF McMURRAY: Basically brings  
13 together the ability to look at threats  
14 regionally. For instance, Huntsville is  
15 pretty much the umbrella for 11 northern  
16 counties. We do that through the homeland  
17 security, the Alabama Homeland Security.  
18 We're part of that initiative. So we take  
19 care of if it's a bomb threat, if it's  
20 something like that.

21 So we saw the need for so many  
22 rural police departments, and the majority  
23 of Alabama, over 90 percent of it's made up

1 of small departments under ten people.  
2 They don't have the resources, they don't  
3 have the tie-ins to the state fusion  
4 center, the national FBI Joint Terrorism  
5 Task Force kind of intelligence that comes  
6 daily through the ATF, the FBI, the JTTF,  
7 and just the federal government.

8           And so we do have personnel  
9 assigned to those locations, even the U.S.  
10 Marshals Service, but we don't share that  
11 type of networking with our partners in the  
12 area that are equally affected. Florence,  
13 Athens, Russellville, Shelby, all the 11  
14 counties in North Alabama. So we really --  
15 I recognized the need for it.

16           Also, early on as chief back in  
17 2015 when I visited Mobile, the Montgomery  
18 MACC center -- Sheriff Partridge, who  
19 created the East MACC, and I created the  
20 NAMACC at the same time -- our vision was  
21 to communicate statewide and to provide a  
22 network of sharing intel and experiences.  
23 How -- what is going on in the state of

1 Alabama, and how can we all learn from it  
2 real time?

3 So some people call it a  
4 real-time crime center, and we're certainly  
5 going that way as well. Intelligence  
6 sharing through law enforcement, sensitive  
7 information, is certainly needed so that we  
8 can all be better prepared. And so it's --  
9 it's free.

10 The Madison County Sheriff's  
11 Department has personnel there. Decatur  
12 has personnel that come over and join our  
13 center. And, you know, if something comes  
14 on our radar from Athens or anywhere in our  
15 11 counties, I'll pick up the phone and  
16 call that chief and share that information  
17 with him.

18 So it's -- it's our ability to  
19 use our resource as the largest police  
20 department in North Alabama and almost the  
21 largest in the state. We're right there in  
22 the top three. And to use these resources,  
23 which is quite expensive sometimes. When I



1 have to share detectives with the federal  
2 government, that's expensive. When I have  
3 to buy software, that's expensive. Well,  
4 these other cities can't afford it, and so  
5 it's a -- it's a way we can all stay safe  
6 in North Alabama.

7 MR. SHARMAN: All right. And  
8 based on the information that the  
9 department and the City has produced thus  
10 far, it seems clear that NAMACC was  
11 involved in the preparations for what  
12 became the events of June 1st and 3rd,  
13 right?

14 CHIEF McMURRAY: Yes.

15 MR. SHARMAN: So what was the --  
16 well, let me back up.

17 To the extent you can, either by  
18 type of job or position or by name, who was  
19 staffing working on assigned to NAMACC in  
20 that context; that is, right before and  
21 then during these events?

22 CHIEF McMURRAY: So the actual  
23 training started two years before the

1 NAMACC was created, Investigator Hluzek and  
2 Investigator Byron Thompson. So I would  
3 actually start sending them to schools as  
4 they came up and were available,  
5 intelligence schools. They actually went  
6 to training.

7           Byron learned -- he branched off  
8 into the technology edge, went cell phone  
9 forensics and analytics. And secret  
10 service grabbed him, gave him hundreds of  
11 thousands of dollars worth of equipment and  
12 technology training certifying him.

13           Hluzek went the intelligence  
14 route with the FBI and learned how to  
15 become an intelligence analyst, became very  
16 close with them.

17           So I partnered them together and  
18 began construction of a facility using  
19 these two as my -- I then hired a sergeant  
20 about a year later, Sergeant Clardy, and  
21 since then, I've added a few analysts.

22           I'm still adding staff and  
23 growing slowly as we improve our technology

1 and our ability to absorb the type of  
2 information. I could put out a thousand  
3 cameras in Huntsville. It wouldn't do any  
4 good unless somebody within our  
5 organization had a video management server  
6 and knew how to look at it, manage it, and  
7 moderate it.

8 So, as a result, we don't do  
9 that. We don't spend great amounts of  
10 money. We have a metered approach, and I'm  
11 adding about one or two people a year.

12 MR. SHARMAN: All right. So let  
13 me focus you, if I could, on the day or day  
14 before June 1st of last summer. Okay? All  
15 right. So we had HPD personnel present  
16 there, right, at NAMACC?

17 CHIEF McMURRAY: Yes, sir.

18 MR. SHARMAN: Did we have anybody  
19 else from, for example, the sheriff's  
20 office there?

21 CHIEF McMURRAY: Yes, sir.

22 MR. SHARMAN: Okay. Any other  
23 agencies that you remember?

1 CHIEF McMURRAY: ALEA.

2 MR. SHARMAN: ALEA? Okay. And  
3 that's the Alabama Law Enforcement Agency?

4 CHIEF McMURRAY: State trooper,  
5 yes, sir.

6 MR. SHARMAN: Any other agencies  
7 that you recall that was manning, staffing,  
8 you know, working with NAMACC, you know,  
9 May 31st or so right before the first day  
10 of issues?

11 CHIEF McMURRAY: Yes, sir. So  
12 Huntsville Fire & Rescue was there. We  
13 have an ambulance service called HEMSI.  
14 They had representative up there. They're  
15 certainly impacted by --

16 So everyone that was involved in  
17 immediate emergency services was present at  
18 the center. So the design of the -- of the  
19 facility is not just an intelligence  
20 center. You have to have the ability to  
21 flip a switch and become an emergency  
22 operations center.

23 If we have a crisis like we've

1 had where we have five days off without  
2 power in North Alabama, if our transmission  
3 towers go down again between here and the  
4 nuclear plant, which is what happened, I  
5 have to have the ability to bring together  
6 the phone companies, the power companies,  
7 the department of transportation.

8 We need an oversight where we can  
9 get together, put the boots on the ground  
10 where the operations are happening. We  
11 need real-time data. I need UAVs in the  
12 air telling us where the destruction was  
13 and where can we send all these resources  
14 at one time.

15 So what you see is, in this  
16 incidence of June 1st and June 3rd, the  
17 NAMACC being able to flip a switch becoming  
18 an emergency operations center so that we  
19 can get all the parties involved together  
20 at one location and make a good decision,  
21 and so that's what kind of happened.  
22 NAMACC is -- is adaptable to the situation.

23 MR. SHARMAN: With regard to good

1 decision-making, who at NAMACC, say on May  
2 31 and June 1st, assessed the credibility,  
3 the believability, the reliability of  
4 information that was coming in?

5 CHIEF McMURRAY: It's a  
6 collective group of analysts whether it's  
7 my two investigators, there were two  
8 investigators there from -- on the 1st and  
9 the 3rd from the FBI. They were sitting at  
10 the table with them.

11 It -- we -- we take in a threat,  
12 and we talk about it, and we say this is  
13 unrealistic. This is -- this is children.  
14 Sometimes it comes in through social media  
15 chatter. Somebody gets on a chatter line  
16 and says something that's ridiculous. We  
17 had a bunch of that. Keep going. Keep  
18 going. What's credible?

19 We get a threat that we can  
20 easily assess. Why don't we go send a  
21 patrol car and address that, quickly do  
22 away with it? If we need to get together  
23 15 or 20 officers and go set up a phone

1 bank to call a lot of people, we'll do  
2 that.

3 But it's just a combination of  
4 people around the table. We had commanders  
5 there. We had captains. We had two deputy  
6 chiefs up there out in the hall because  
7 everyone wouldn't fit in the room.  
8 Everybody looks at these threats. Being --  
9 working 34 years for the City, you can kind  
10 of -- you get a feel for what's probably  
11 realistic and what's not.

12 And then you have a threat matrix  
13 you look at. Is this a high threat? Low  
14 threat? And then you look at the  
15 probability. Is this -- you know, is this  
16 even realistic? So you -- it's just -- and  
17 they're pouring in. Sometimes they come in  
18 very fast. Sometimes you have more time to  
19 react to them.

20 MR. SHARMAN: All right. You  
21 mentioned social media. Based, at least,  
22 on our review of the materials that the  
23 department produced, plus your earlier

1 public presentations on these questions, it  
2 seems that the large majority, although  
3 certainly not all of the material that was  
4 analyzed, was social media: Facebook,  
5 Facebook groups, Twitter posts of various  
6 sorts.

7 How is social media analyzed in  
8 general, and, in particular, for these  
9 events of June 1st? How did it happen?

10 CHIEF McMURRAY: So somebody sent  
11 us a post and said, you know, it's a  
12 Snapchat, which disappear in a few seconds  
13 unless you take a picture of it with your  
14 phone. And you say, wow, this is  
15 threatening. Bring your own weapons to  
16 this party Downtown Huntsville, you know,  
17 June 1st, June 3rd. What?

18 And he -- he sends that to one of  
19 his police officer buddies and says -- and  
20 he sends it up to NAMACC. We look at it  
21 and we say, well, this came from Joe Smith.  
22 That's really the start of our analyst  
23 trail. I look up his name. I look him up



1 on social media.

2 That's what our analysts do.  
3 They look up his criminal record. Look up  
4 his Facebook site. Who does he talk to,  
5 and what is he now saying to other people  
6 on Facebook? How many followers does he  
7 have, and what are his followers saying?  
8 Are they tracking this? Does he have 1500  
9 people who listen to him and he gives  
10 orders, or is he just a -- is he a high  
11 school kid who's not a valid threat? Okay?

12 MR. SHARMAN: So --

13 CHIEF McMURRAY: He's just  
14 chatter. It's just chatter at that point.  
15 So you have to go through an analysis of  
16 each one of these threats and see if  
17 they're realistic or not. It's just a  
18 process.

19 Somewhere down the process, we're  
20 going to drop this and say this is probably  
21 not good. This is some kid in high school.  
22 Or wait a second. This guy has got 1500  
23 followers that he's communicating threats

1 with, and look at what his followers are  
2 saying. They all have criminal records.  
3 They've been arrested for weapons charges  
4 and things.

5 So you just have to follow that  
6 rabbit and see where its hole goes down.

7 MR. SHARMAN: All right. Let me  
8 back you up because that's a good example.  
9 I think it's a real one. How was the  
10 determination made that BYOW was "bring  
11 your own weapon" and not "bring your own  
12 weed"?

13 CHIEF McMURRAY: That's what you  
14 have to look at. You look at his past,  
15 look at his record, look at his other  
16 social media posts. He put it out there  
17 for us to review and see. Those -- those  
18 are -- those are open sites.

19 MR. SHARMAN: And I'm not  
20 implying there's something improper about  
21 looking at them. Rather my questions are  
22 more like to the question of how it is  
23 analyzed and rejected.

1           Let me see if I can get at it  
2 this way. Other than social media, what  
3 were the other intelligence inputs, if any,  
4 that the department used in formulating its  
5 preparations for June 1st and then the  
6 events that followed? Was there anything  
7 other than social media?

8           CHIEF McMURRAY: Sure.

9           MR. SHARMAN: Okay. What was it?

10          CHIEF McMURRAY: Okay. So I  
11 don't want to get -- I actually --  
12 reminded. I sent a connection to each one  
13 of y'all on Monday on my two-and-half hour  
14 speech to city counsel, and then I answered  
15 these questions for over an hour in front  
16 of them. So did my command staff. So I  
17 don't want to go into this.

18          There is a threat matrix, a  
19 pre-event threat matrix, an actual event  
20 threat matrix, and an ongoing threat, and  
21 you assess these at, before, and as they  
22 come in. And there's a variety. There's  
23 dozens of characteristics of an event you

1 look at pre, two weeks out, one week out,  
2 one day out. I don't know exactly where  
3 you're asking me to make that assessment,  
4 but it's an ongoing threat.

5 As it builds, you have to  
6 cumulatively have these conversations with  
7 your threat analysts constantly and monitor  
8 the progress of what we're looking at. We  
9 know we had an event coming up. Was it  
10 permitted? Who permitted it? What's he  
11 asking for? How many people are attending,  
12 and what are they saying?

13 These -- what's the chatter going  
14 on about the event? Is it bring your own  
15 weed? Bring your own women? Bring your  
16 own wheels? Those are decisions that we  
17 have to go through the process of  
18 determining what the "W" means. We ended  
19 up knowing what it means because when you  
20 go look at it around the country, those  
21 events, that means something.

22 F12 means something. It's a --  
23 it's an F-U-C-K police meaning that means

1 kill the police. We hate the police. When  
2 you see F12, it means something. It  
3 doesn't mean we favor the police. It's a  
4 code.

5           And so intelligence has its own  
6 source that's validated through ongoing,  
7 through looking at national. And when I  
8 gave the explanation to city council, I  
9 broke it down into Alabama threats. I did  
10 the timeline from the May 25th to June 1st.  
11 Everything that happened in Alabama. Every  
12 major city.

13           I also did a national timeline.  
14 I broke down every event that happened  
15 nationally from May 25th. So we have  
16 intelligence that started on May 25th. We  
17 know what the monikers mean. We now what  
18 the threats mean by that point, and we saw  
19 the end results in every city nationally  
20 and locally, and then we have the local  
21 actors that are talking about it.

22           So there is a combination of  
23 intelligence coming locally, nationally

1 that has to be absorbed and looked at.

2 MS. HUNTLEY: So, Chief, can I  
3 ask, so obviously the George Floyd event  
4 triggered the response that led to the  
5 protests, rallies, whatever you want to  
6 call them on June 1 and 3rd. So what, if  
7 anything, did you-all do after we started  
8 to see the social unrest in other cities?  
9 Because the first event in response to that  
10 was June 1 here in the city of Huntsville,  
11 correct?

12 CHIEF McMURRAY: No.

13 MS. HUNTLEY: The first public?

14 CHIEF McMURRAY: No. No, it was  
15 not.

16 MS. HUNTLEY: Okay.

17 CHIEF McMURRAY: So in my  
18 presentation to city council, they asked me  
19 to review all events that occurred from  
20 basically May 30th until June 3rd. I went  
21 over four events in great detail. Four  
22 events.

23 Now, there were hundreds. Okay?

1 There were events every night just like  
2 there were every night for months after  
3 June 3rd. There were events every single  
4 night for those protests in Downtown  
5 Huntsville. We had one every night. We  
6 never had a problem.

7 But we had four events that I  
8 highlighted because they were advertised.  
9 Some of them were permitted partially.  
10 Some of them there wasn't enough time, but  
11 we knew they needed time, space, and  
12 manner, which wasn't important. Our whole  
13 permitting process is about providing  
14 proper time, space, and manner for  
15 constitutional expression of right of  
16 assembly and freedom of speech. So we work  
17 to accomplish that goal.

18 So I went over each one of these  
19 events, and each event, I went over the  
20 permitting, the threat matrix, the  
21 pre-event threat matrix, and then the  
22 threat matrix as it happened. I even  
23 showed drone footage of every single event.

1 I showed body camera of every single event  
2 as it happened.

3 And I went through each event and  
4 I explained why our response was different  
5 on every single event based on dozens and  
6 dozens of criteria in each event that was  
7 looked at.

8 MS. HUNTLEY: So I may have asked  
9 a poor question because I watched your  
10 presentation, actually, two, maybe three  
11 times --

12 CHIEF McMURRAY: Okay.

13 MS. HUNTLEY: -- and know of  
14 those four descriptions that you gave  
15 during the presentation. I guess the clear  
16 question is: At what point, once the  
17 George Floyd incident occurred, did NAMACC  
18 become sort of on alert, like, we need to  
19 start assembling a team to sort of be  
20 proactive and prepare ourselves for the  
21 possibility of protests or rallies in our  
22 area --

23 CHIEF McMURRAY: Yeah. I --



1 MS. HUNTLEY: -- since this  
2 seemed to have a national impact?

3 CHIEF McMURRAY: Absolutely. And  
4 I -- I explained that to city council that  
5 while we weren't -- we weren't responsible  
6 for George Floyd's death. We were  
7 responsible to it because we're law  
8 enforcement. So immediately -- okay?  
9 Immediately 25th -- by the 26th, violence  
10 had already started in other cities.  
11 Minneapolis.

12 By the 27th, the mayor had  
13 declared a state of emergency and asked for  
14 federal assistance. He was out of control.  
15 Immediately we start looking for threats.  
16 We start monitoring the nation. We start  
17 monitoring the state. And we're just  
18 highly, highly on alert --

19 MS. HUNTLEY: So who would have  
20 --

21 CHIEF McMURRAY: -- because we  
22 see what's going on. The entire -- the  
23 entire country is watching.

1 MS. HUNTLEY: So who would have  
2 been involved in that initial team? Like,  
3 as soon as we saw what happened in  
4 Minneapolis and the entire country was on  
5 high alert --

6 CHIEF McMURRAY: So my  
7 supervisor, Sergeant Clardy, Investigator  
8 Hluzek, and Investigator Byron Thompson  
9 initially. And then just as a police  
10 department, they -- there was really  
11 nothing to put out locally. It was very  
12 slow, and my Alabama timeline shows how  
13 long it took to get to Huntsville. It  
14 just -- but it did sweep the country.

15 MS. HUNTLEY: Right.

16 CHIEF McMURRAY: Sure.

17 MS. HUNTLEY: And so, at that  
18 point, you say that you assembled -- you  
19 started to assemble a team in terms of  
20 intelligence gathering and monitoring --

21 CHIEF McMURRAY: No. They were  
22 already assembled.

23 MS. HUNTLEY: Well, it was your

1 existing team, but --

2 CHIEF McMURRAY: Right.

3 MS. HUNTLEY: -- but I'm talking  
4 specifically focused on this issue and  
5 monitoring what was happening as a result  
6 of the George Floyd incident.

7 So this team was assembled, and  
8 then how did you-all track or monitor what  
9 you may have seen going on within  
10 Huntsville? I know you were monitoring  
11 things that were going on nationwide, but  
12 what did you-all do to begin monitoring  
13 those things specifically for Huntsville?

14 CHIEF McMURRAY: You just look  
15 and see who's asking for a permit. The  
16 chiefs of -- we have 11 different chiefs in  
17 Madison County, and so we reach out to the  
18 chief of Alabama A&M, the chief of Oakwood,  
19 the chief of UAH, the chief of Calhoun,  
20 Owens Cross Roads, New Hope, Gurley, and  
21 then we just -- we just start talking.

22 And to tell you the truth, I  
23 picked up the phone and started talking to

1 Chief Battiste in Mobile. I started  
2 talking to Chief Smith in Birmingham. I  
3 started -- Chief Partridge. And on several  
4 occasions, we had group sessions where  
5 eight or nine of the chiefs would talk.  
6 What's going on in your city? What's going  
7 on in your city?

8           So by monitoring, I mean, we're  
9 vigilant. We're looking. We're talking to  
10 each other, and we're trying to get the  
11 best picture of what's going on and what's  
12 coming and how can we best prepare. How  
13 can we -- how can we, you know, be prepared  
14 for what's going on in Minneapolis, in  
15 Portland, Seattle, New York, and  
16 Washington? We're very vigilant. What's  
17 going on?

18           We have no other means other than  
19 just talking to each other, watching social  
20 media pop-ups, and then looking for special  
21 operation permits. Who's actually calling  
22 us asking for protest permits? And let's  
23 get those pushed out because there is a

1 72-hour requirement for a protest permit,  
2 but we were waiving those. We -- we waived  
3 it to Oakwood College, and we waived it to  
4 the NAACP. We said, you know what? Let's  
5 get together. They need a venting  
6 location. Let's let them vent. Let's --  
7 let's pull this off.

8           So I didn't mind and neither did  
9 the mayor. We realized there was a  
10 national need for talking and discussion on  
11 this. Let's get these things done. Don't  
12 worry about the rules. Let's get these  
13 protests out, and let's expedite them  
14 because we knew we needed to have this --  
15 this dialogue in public, and so we did  
16 that.

17           MR. SHARMAN: And, Chief, I know  
18 this is a bit frustrating or perhaps even  
19 more than a bit frustrating because you've  
20 been through some of these subject matters  
21 similar if not the same questions before by  
22 different bodies, and all I can tell you is  
23 you can rest assured that we have read,

1 watched, and listened to, as best we can  
2 tell, everything.

3 I have -- body cam, protester  
4 videos, public radio station interviews  
5 that you've given, presentations to city  
6 council members, so --

7 MS. HUNTLEY: More than once.

8 MR. SHARMAN: -- we have  
9 certainly consumed it at least once, and as  
10 Liz said, more than once. So I understand  
11 your frustration, but I hope you understand  
12 that we have not just skated in here and  
13 just decided to ask some questions that we  
14 hadn't considered before.

15 You mentioned the national --  
16 well, let me back up.

17 With regard to the input that you  
18 just described about the national events  
19 coming on the heels of the George  
20 Floyd-related events that my colleague  
21 mentioned, do you think looking back on it  
22 that the influx of that information and the  
23 landscape that it presented to you and your

1 colleagues had an effect on perception?

2 Good, bad, or indifferent.

3 CHIEF McMURRAY: That's why we --  
4 of course. That's why we're vigilant to --  
5 that what the intelligence process does,  
6 yes, sir. That's how you develop good  
7 intelligence is the absorption of material  
8 and the development of plans based on the  
9 best information you have at that time.

10 MR. SHARMAN: Well, let me push  
11 back on that a minute because I take from  
12 your answer that you believe that, in  
13 general, the presentation of that  
14 landscape, which was quite heated and quite  
15 controversial at the time, as a matter of  
16 just a part of the national discussion,  
17 plus the information you were receiving.  
18 In general, your view is that was a good  
19 thing as far as the perception of the  
20 department went, right? In your view, it's  
21 not a bad thing. It was a good thing?

22 CHIEF McMURRAY: Absolutely. We  
23 have -- we were reformed after Rodney King.

1 What a change that made in our department.  
2 This has -- this has brought out some  
3 changes that I've been able to make as a  
4 direct result of this reforming policing.  
5 Absolutely we're getting better. And this  
6 has been a good stimulus for some of the  
7 change.

8           And let me give you an example.  
9 The public viewing portal. Okay? We've  
10 been kind of kicking that around thinking  
11 how can we do it? How can we not? Wow. I  
12 was put on the spot. Said why aren't your  
13 directives public portal? And I said, I've  
14 been really busy. I supervise 710  
15 individuals. I'm one-third of the City of  
16 Huntsville employees I supervise. I've  
17 been -- I'm not making excuses, but I have  
18 a big job. And I said, you know, I do --  
19 that hasn't taken priority.

20           Guess what? My mayor says, what  
21 do you think about that now, Chief? I  
22 said, I think that's a priority. I've been  
23 listening to city council for the last



1 couple months. Let me do some research on  
2 that. I shut off everything else I'm  
3 supposed to be doing with the City and with  
4 my employees. I quit.

5 And I called up the company we do  
6 our written directive policy, and I started  
7 negotiations, and I did it. Took me about  
8 three or four weeks. I opened a portal,  
9 and I've been putting three directives a  
10 week in that portal, and I don't know where  
11 I'm at now. 60, 70 percent of my  
12 directives are now open public.

13 So I'm making these changes, but  
14 I needed that stimulus, that input. We --  
15 we are adaptable. Sometimes not adaptable  
16 enough, but we do make improvements. We do  
17 make change. That's just one of the many  
18 changes we're doing. So, yes, sir, it is  
19 an opportunity to change for the good.

20 MR. SHARMAN: What would you say  
21 to somebody who said, look, NAMACC, and  
22 thus the department, was getting an immense  
23 amount of troubling information against the

1 backdrop of a national unsettled situation  
2 where, as you've described, events were  
3 happening in major metropolitan areas, and  
4 that landscape that NAMACC, and thus the  
5 department, was receiving was enhanced and  
6 specified and fueled additionally as a  
7 result of local social media posts that  
8 were saying what many would consider to be  
9 outrageous or unsettling things and that,  
10 therefore, that caused an overreading, an  
11 overreaction to what people in that  
12 situation being human were seeing. Because  
13 of landscape, they were overreading what  
14 was coming in and thus made decisions that  
15 they would not have otherwise made  
16 analytically or operational. What would  
17 you say to someone who said that?

18 CHIEF McMURRAY: I love that  
19 question because I have not had an  
20 opportunity to answer that accusation.  
21 Okay? I think it's unfair. I think it's  
22 unjustified, and I think it's totally out  
23 of line because they cannot prove -- they

1 cannot prove that, and I can't defend it.

2 Okay?

3 I have no way of saying that's  
4 not true, but I can assure you that me and  
5 my two analysts did not overreact, and let  
6 me tell you how. Go watch the videotapes.  
7 Everything that I've been accused of doing  
8 as overreacting, no chief of police has  
9 ever documented police actions more than  
10 Chief McMurray and the Huntsville Police  
11 Department. I sent you well over 400 hours  
12 of car video, body camera, aerial video,  
13 and everything that happened every live  
14 minute from every officer and every  
15 streaming thing.

16 The very day after June 3rd, I  
17 was on live TV giving a press conference.  
18 Within five minutes of June 1st, I was  
19 still crying from a little CS that I  
20 ingested because I was there on the street  
21 with them. Just wiping my face off, I was  
22 live with two network stations explaining  
23 how regrettable this is.

1                   Nobody has been more visible,  
2 more vocal -- in fact, by June 18th, just  
3 -- what is that -- two weeks later, I gave  
4 a four-hour presentation to our public  
5 leaders on every decision that was made,  
6 how it was made, and the mayor who was  
7 there, the city council president was  
8 there, Dale Strong, the county  
9 commissioner, the sheriff who declared it  
10 an unlawful event on both events.

11                   He was at both events. He asked  
12 for my assistance. Technically, he can  
13 take the Huntsville police officers, every  
14 sworn officer in Madison County, away from  
15 them. He is the highest law enforcement  
16 official in Madison County duly elected,  
17 and he could have taken my officers and  
18 controlled them away from me. He didn't.  
19 He calls the phone and says, Chief, I need  
20 your help. I only have 40 officers.  
21 There's 1500 people here coming up on my  
22 steps.

23                   And I responded and assisted the

1 sheriff of Madison County at his request.  
2 Not only that, but I recorded every second  
3 with hundreds of cameras, and I was totally  
4 transparent, and -- and for somebody to go  
5 back and say now you had an intelligence  
6 center and you overreacted, Chief, and you  
7 believe they were going to burn this city  
8 to the ground, I can't -- how am I supposed  
9 to disprove that allegation at this point?

10               So I think that allegation is  
11 unfair. I think it's unrealistic. And  
12 anyone who says that did not -- was not  
13 there. And I make that challenge to them.  
14 If they were there for 90 minutes of  
15 begging and pleading we had with the  
16 organizers -- at one point, I even gave the  
17 microphone to an organizer, and she begged  
18 them to please, let's go home and do this  
19 again.

20               It was out of control. There was  
21 no organization. There was no leader who  
22 could control them. The sheriff asked them  
23 to leave. The mayor asked them to leave.

1 City council asked them to leave. County  
2 commissioner who was there at the  
3 courthouse asked them to leave. District  
4 attorney was at the county courthouse  
5 giving authority to the sheriff, and he  
6 asked for my backup.

7           And I think it is totally out of  
8 place to get in front of the public and say  
9 that I overreacted when it's been proven  
10 through your own research I was patient,  
11 tolerant, and even as a final review, I  
12 used the least amount of force to affect a  
13 change in the environment and send them  
14 home.

15           Thank you for asking that  
16 question.

17           MR. SHARMAN: Hold all those  
18 thoughts. You're getting way ahead in the  
19 outline, but we're going to come back to  
20 it.

21           CHIEF McMURRAY: Well, it's on my  
22 heart. I'm sorry.

23           MR. SHARMAN: But I appreciate

1 that. And also, again, I want to  
2 re-emphasize just because Liz or I or any  
3 CAC members ask a question that may have an  
4 assumption in it, it doesn't necessarily  
5 mean we agree or disagree with the  
6 assumption. It's just a question.

7 CHIEF McMURRAY: All right.

8 MR. SHARMAN: Okay?

9 CHIEF McMURRAY: Totally  
10 understand.

11 MR. SHARMAN: All right. So on  
12 the subject of the larger landscape,  
13 national influence, national influence  
14 having a potential issue or threat locally,  
15 there were several particular issues that  
16 the department or sometimes you seem to  
17 have identified as being of triggering  
18 concern, and I want to ask you a couple of  
19 questions about those.

20 One was the concern about  
21 non-local out-of-state persons coming to  
22 Huntsville with ill intent. Did that  
23 happen?

1 CHIEF McMURRAY: I can't validate  
2 that it did, no, sir.

3 MR. SHARMAN: Another issue that  
4 seemed to be flagged for concern was the  
5 observation of out-of-state or at least  
6 non-Huntsville-local license plates. Did  
7 that end up being an actual issue?

8 And I ask that because some might  
9 say Huntsville is a reasonable-sized  
10 sophisticated city, and out-of-state  
11 license plates or non-local license plates  
12 are actually not terribly unusual given the  
13 economy and the agencies and businesses  
14 that are here.

15 Did that end up being an actual  
16 factor that sort of proved out, so to  
17 speak?

18 CHIEF McMURRAY: So you're asking  
19 me if after the event, was I able to tie  
20 any of those car tags to somebody who  
21 specifically came in as an out-of-state  
22 disruptor to our community? I could not  
23 make that tie-in, and that was not what I



1 said. I -- when I made the statement about  
2 actions leading --

3 This is how -- this is how these  
4 events get used against me. You're asking  
5 for pre-event intel. You talking about a  
6 week before, a day before, or as they're  
7 assembling? Because as you're assembling,  
8 you're getting intel, and I'm getting  
9 officers calling me telling me they've  
10 counted over 24 out-of-state cars up and  
11 down this street, this street, this street,  
12 this street.

13 Now, there's no way that intel is  
14 going to be used because I can't validate  
15 it. Okay? It's just intel. Pin a tail on  
16 that donkey and put it on the board. You  
17 can't use that for anything. And you --  
18 and any kind of intel cycle will tell you  
19 that there's actionable intel and there's  
20 non-actionable intel. And I did not act on  
21 that intel. That's just intel. Okay?

22 And these accusations that I  
23 actually went out and flew off the handle

1 and did something illegal based on that is,  
2 again, one of those chief hater's  
3 accusations that I can't get up there and  
4 disprove, but I will tell you now that we  
5 have people living in Huntsville who  
6 protested, who were a violent protestor,  
7 who were also arrested in Louisville,  
8 Kentucky, for violently -- they were  
9 arrested.

10 We didn't arrest them here in  
11 Huntsville. They're actually in  
12 Huntsville. He was also identified by the  
13 FBI in Washington, D.C., protesting. Okay?  
14 Now, does that make him a threat? No.  
15 He's just a protester. Does that make him  
16 a moneymen? I don't know because I really  
17 don't care. That's not -- that's out of my  
18 wheelhouse. That's the FBI. They track  
19 those individuals. Not me.

20 I don't track people across state  
21 lines, but when you come across state lines  
22 to commit problems, there are higher  
23 authorities that will and do. They didn't

1 tell me we had any out-of-state threats.

2 Okay? All I made pictures of was out -- a  
3 lot of out-of-state cars around the  
4 assembly area.

5 Now, you can -- you can accuse me  
6 of doing something nefarious from that  
7 point on, and I don't know how to tell you  
8 it's just intel. We got a bunch of threats  
9 up there that we didn't do anything on, and  
10 I think it's unfair for you to accuse  
11 anything I said or did from that point on  
12 as being, well, see, you said you had car  
13 tags that were from out of state.

14 Well, go up there right now and  
15 count the out-of-state car tags. Go up  
16 there on a Saturday. You won't count two  
17 dozen. Okay? Maybe school students.  
18 School was out of session. There was no  
19 school going on. I don't know why there  
20 were so many out-of-state car tags. To  
21 this day, I can't tell you. It's just a  
22 fact.

23 Now, they called me a liar.

1    Okay?  Jack, they called me a liar and said  
2    there were no out-of-state car tags.  Chief  
3    is lying.  So during my demonstration, I  
4    showed you pictures of about -- I don't  
5    know.  I didn't even count.  I didn't get  
6    them all.  But the sheriff had some, and I  
7    had some, and his people, they were -- when  
8    they were doing their sweeps pre-event,  
9    they picked up some, and I picked up some,  
10   and I gave you proof that there absolutely  
11   were.

12                    Were they there for wrong  
13    reasons?  Chief has no way of knowing that.  
14    We're just all citizens.

15                    MR. SHARMAN:  Looking back on it  
16    based on what you know, which is the only  
17    basis you can respond to a question, were  
18    there, in fact, outside agitators who came  
19    to Huntsville to participate in these  
20    events?

21                    CHIEF McMURRAY:  I have no  
22    knowledge of that.

23                    MR. SHARMAN:  Okay.  Same

1 question with regard to -- clumsily defined  
2 words -- anarchists and Antifa. Looking  
3 back on it -- and, again, based on what you  
4 know -- were there any efforts by persons  
5 who would describe themselves like that to  
6 come to Huntsville and engage in, you know,  
7 unlawful activity?

8 CHIEF McMURRAY: I showed lots of  
9 paperwork and posters that were put up with  
10 the anarchist symbol. It was spray painted  
11 on several locations throughout the city.  
12 We immediately cleaned them up. The  
13 sheriff has a team. I have a team that  
14 cleans up graffiti within hours every time  
15 it's identified.

16 That's -- we're very proud of our  
17 city, and we take a lot of pride in that.  
18 But I try to get photographs. I provided  
19 those already. Absolutely anarchists here  
20 a hundred percent.

21 MR. SHARMAN: And with regard to  
22 the -- for lack of a better term --  
23 intelligence-related material that the

1 department provided to the city council,  
2 and for that matter, to the CAC, as best  
3 you know, was that all -- was that all  
4 contemporaneous or preceding the events, or  
5 was some of it gathered after the events in  
6 order to supplement or found the  
7 presentations?

8 CHIEF McMURRAY: Very fair  
9 question. Thank you. Everything -- for  
10 instance, it came out of a statement I made  
11 about Antifa. They said that this is  
12 crazy. This is Huntsville, Chief. You're  
13 a liar. There's no Antifa here.  
14 Pre-event, those pictures -- every picture  
15 I showed the city council was taken  
16 pre-event.

17 It was just a local citizen who  
18 favored an Antifa emblem on their site.  
19 Okay? They're not Antifa. I never claimed  
20 they were. I said they're Antifa  
21 sympathizers, and because they put that  
22 flag, that logo, they carry that thought --

23 And by the way, they said

1 something like -- and I posted their actual  
2 words on the screen from that person who  
3 said something like -- I don't remember  
4 exactly, Jack. It said something like  
5 there's going to be trouble in Huntsville  
6 at this event on this date. Right?

7 So you've got a person who  
8 identifies with this characteristic, flying  
9 the flag on their social site saying  
10 there's going to be trouble. So what does  
11 that do? Well, somebody else replies. Oh,  
12 yeah. There is going to be trouble, and I  
13 hope it happens at this place because they  
14 wouldn't let me in, and I'm go to going to  
15 get me a TV set when we break the glass out  
16 on that day.

17 And the guy says, oh, yeah. Me  
18 too. They didn't like me. They said it's  
19 because of clothes that I was wearing, but  
20 I was black, and they wouldn't let me in  
21 their bar and I'm going to burn it down.  
22 Another guy replies -- and I put all these  
23 replies up there, Jack, one and another,

1 and so I'm not making this up.

2 I actually put -- those were  
3 captured before the event. Okay? And the  
4 next guy says I'm going to burn the city  
5 down to make a difference. That's the only  
6 way we can ever make a difference is to  
7 burn it down and rebuild it. I put that  
8 post on there.

9 So Antifa starts casual  
10 conversations and then builds momentum  
11 through social media. Okay? And then it  
12 just accumulates the exact same thing that  
13 -- it just builds and builds and builds.  
14 And so I just keep posting, and then we  
15 start looking at these people and who are  
16 they. Well, they're criminals. This guy  
17 says he's going to burn the place down.  
18 Well, he's got three felony arrests. He's  
19 been charged with burglary. He's been  
20 charged with robbery, and then we start  
21 saying there's your intelligence building.

22 These people who are on social  
23 media replying to this guy who's never done



1 a thing in his life except say there's  
2 probably going to be trouble in Huntsville  
3 and I fly an Antifa flag. He didn't do  
4 anything. Is he Antifa? No. But he's a  
5 sympathizer. And now everybody who's  
6 posting that, they're all grabbing on there  
7 and building momentum for violence.

8 I'm going to be held responsible  
9 if I don't know what's going on and don't  
10 follow this trail of they're setting up to  
11 have a violent event, and these are the  
12 actors that are doing it.

13 I also showed you a pre-event  
14 picture of Mr. 27. We knew he was going to  
15 be there because he told us what he was  
16 going to do, and he was extremely violent,  
17 and he was on the front -- on June 1st, he  
18 was one of the first people to push down  
19 that barrier and go up on that stage when  
20 Mayor Battle was asking them please, go  
21 away.

22 And so, yes, sir, all of those  
23 were pre-event. It was good intel. We

1 validated it during the event. We knew who  
2 they were when they got there.

3 MR. SHARMAN: My question was a  
4 little more narrow. And in response to any  
5 question -- I mean, you can say anything  
6 you want, and if I try to stop you, I'm  
7 sure Trey would chastise me. And Trey  
8 chastises me a lot anyway, so it would not  
9 be a new thing.

10 So my question, though, was a  
11 little more narrow, which was: With regard  
12 to the material about intelligence-related  
13 matters that you provided to the city  
14 council and to the CAC, was all of that  
15 material either pre-event or  
16 contemporaneous, or was it pre-event and  
17 contemporaneous but also gathered after the  
18 fact to basically bolster your case?

19 CHIEF McMURRAY: I don't know of  
20 anything I pulled together afterwards to  
21 bolster the case. I don't know what  
22 purpose that would serve at that point.

23 MR. SHARMAN: Because in the

1 production materials, there was a rather  
2 significant essentially book, and I don't  
3 want to make you march through it now, but  
4 essentially a book about Antifa, and --

5 CHIEF McMURRAY: Okay.

6 MR. SHARMAN: -- it was produced,  
7 and so we were trying to figure out, okay,  
8 was this something that was available and  
9 relied upon beforehand, or was it something  
10 that was added afterwards? That's all.

11 CHIEF McMURRAY: Okay.

12 MR. SHARMAN: That's all.

13 CHIEF McMURRAY: Oh. Good  
14 question. I-- you know, and I can't  
15 provide you all of the intel I had before  
16 because I'm a member of the JTTF. I'm -- I  
17 have a secret clearance with the FBI. I  
18 can only allow you information that is  
19 unclassified by them.

20 That information was public  
21 knowledge, and it's -- it's stuff that all  
22 officers are taught during in-service  
23 training. What is Antifa? You can

1 research Antifa. That was open-source  
2 material. And I'm sorry, but that was an  
3 explanation. And, actually -- I actually  
4 sent that book to at least one of my city  
5 council people who didn't understand what  
6 an Antifa was. If you don't -- if you're  
7 not up on it, if you're not --

8 So pre-event or post-event, that  
9 was open-source material. I don't really  
10 know. You can -- you can...

11 MR. SHARMAN: So it may have been  
12 relied upon; it may not have been. You  
13 just don't know?

14 CHIEF McMURRAY: No. That's just  
15 -- that's just -- that was not relied --  
16 that's just open-source material. If  
17 you're a cop, you know what Antifa is. You  
18 probably know what some of the history is.  
19 Probably not all of it, but that was just  
20 some stuff that we provided --

21 I know we provided that to at  
22 least one city council person before the  
23 event because they were just, what is

1 Antifa? What's going on with these other  
2 cities? Nobody really knew.

3 MR. SHARMAN: With regard to  
4 NAMACC and the use of intelligence, do you  
5 believe that there were any lessons learned  
6 from the events of June 1st and 3rd?

7 CHIEF McMURRAY: Yes, sir.

8 MR. SHARMAN: What were they?

9 CHIEF McMURRAY: Well, real-time  
10 documentation as it comes in. I could do  
11 better. We kind of -- number one, we -- we  
12 were a new facility. The entire facility  
13 was just about the size of this table with  
14 some TV screens and some computer monitors,  
15 and it was very small, and when we put all  
16 of those people that I just told you about  
17 in there, we were pushed out to the  
18 hallway.

19 And there was a lot of chatter  
20 going on during the event between all the  
21 emergency services, the analysts. We had  
22 people communicating to the people flying  
23 drones. We had two people on the ground

1 who were assets on the ground who were  
2 carrying live TV coverage from there --  
3 there was too much going on in a small  
4 area.

5           And then we didn't document every  
6 single threat, time stamp it, how we  
7 analyzed it, which I'm now being asked to  
8 since the event. They're asking me to go  
9 back and -- and what were your threats, and  
10 how many did you get, and when did you get  
11 them, and how did you react to -- and I  
12 could go on about hundreds of threats.  
13 Okay. Fair assessment. I own that. And  
14 it's not going to happen this time.

15           From the time of June 3rd, I  
16 constructed a second NAMACC building which  
17 is about the size of two of these rooms  
18 that has large stations. It has emergency  
19 operations center. It has a conference  
20 room for -- for the commanders to work  
21 uninterrupted by the operations of the  
22 analysts and the drones, and it is an  
23 impressive facility because the city needs

1 that in a real-time emergency situation.

2           What we did on June 1st and 3rd  
3 was a proof of concept of an emergency  
4 operations center, and it -- it kind of  
5 fell short because we didn't have all the  
6 resources in place to document everything.  
7 A real-time recorder would have helped out  
8 a lot, I mean, just like we're doing now,  
9 recording what's going on.

10           So, in retrospect, I'm learning.  
11 I have been to intel centers all over the  
12 Southeastern United States before I built  
13 my first one. Went to Memphis, Mobile,  
14 Chattanooga, AMACC center, East MACC,  
15 Tuscaloosa, the TMACC is now under  
16 construction, and we're all learning from  
17 these, but until you get your boots on the  
18 ground and get dirty like this and figure  
19 out how the cycle works, you don't get any  
20 better.

21           So absolutely documentation,  
22 real-time recording, and knowing that I'm  
23 going to answer to this is going to help me

1 a lot, and we've made those changes.

2 MS. HUNTLEY: Chief, what about  
3 lessons learned in terms of one of the  
4 things that you just described and you  
5 talked a great deal about in your  
6 presentations was the -- and I'm  
7 paraphrasing here, characterizing -- the  
8 sort of chaos of communication between the  
9 organizers and law enforcement, these folks  
10 that had permits that were supposedly  
11 leading these events. What are lessons  
12 learned or your lessons learned from how to  
13 handle that going forward? Like, what  
14 would you have done differently?

15 CHIEF McMURRAY: Well, as far as  
16 the organizers of the two events, they were  
17 very, very cordial. In fact, when you  
18 watch the June 3rd event, if you'll watch  
19 the -- the individuals, there's a few of  
20 them that have bright yellow traffic safety  
21 vests on. If you remember back in that  
22 crowd, you'll see two -- a couple of those.

23 Those were actually NAACP



1 organizers who were trying calm everyone  
2 down. The event had been over for 30, 40  
3 minutes, and all the NAACP members were  
4 gone, but there were some really good  
5 people that stayed back and tried to calm  
6 everyone down, and so I use those as  
7 examples.

8 I don't -- I'm not really sure  
9 how to answer your question because the  
10 people who held the permits, who held the  
11 rallies, they all left when they were asked  
12 to. The crowd that built after the event  
13 was over, when the last prayer was said and  
14 an amen was said, most of them left.

15 A few of them came up on, did  
16 their march around the courthouse. We  
17 secured the area so they could do it  
18 safely. We didn't have to do that, but I  
19 thought and the mayor thought that would be  
20 nice to have a safe protest march. We let  
21 them do that.

22 As far as communicating, we lost  
23 touch with who was in charge at that point

1 until they come up because there were no  
2 organizers at that point. The only  
3 organizers we were pinpointing out were the  
4 cheerleaders. They were the ones wearing  
5 the backpacks, the masks, sometimes  
6 shoulder pads. They were handing out  
7 goggles. They were ramping up. They were  
8 yelling and screaming vulgarities at us.  
9 They became the informal leaders of some of  
10 the crowd.

11 So as the event changes, the  
12 dynamics changed, the organizers left. I  
13 don't know how to improve communication.  
14 Now, I will tell you that it was -- even at  
15 one time, I brought a lady up and gave her  
16 the microphone. She wanted to address  
17 them, and I said, if you think you can talk  
18 to them, I will let you talk to them. And  
19 she did, and it was a very powerful speech  
20 she made, compassionate speech, and I  
21 thought it came better from her than me,  
22 and it did, but nobody left.

23 So everyone attached to the

1 original event finally left, and then as  
2 the event changed -- even on June 3rd. So  
3 as the officers go to put their masks on,  
4 that's another clue it might be time to go.  
5 The state troopers come in, 12 of them  
6 lights and sirens. That's probably another  
7 clue you need to go, but some people are  
8 still filming. Peaceful protestors, they  
9 want to see this. This is like, you know,  
10 I'm not going to miss this. That's fine.

11 But then the smoke is popped.  
12 They still don't want to leave, and that's  
13 just gray smoke. That was a clue. That  
14 didn't work. And so one can of CS would be  
15 rolled or something like that. That kind  
16 of makes you leave at that point.

17 MS. HUNTLEY: What about, you  
18 know, the city of Huntsville has many  
19 events, and -- pre-COVID, at least -- and  
20 you've talked about the seven years of  
21 being over managing those crowds, those  
22 events, making sure things are safely done.  
23 Was there any plan in place in terms of

1 communicating publicly about entering and  
2 leaving the event, like where people come  
3 in versus how they egress?

4 For example, Big Spring Park:  
5 I'm assuming you-all have concerts there,  
6 correct? And, you know, with concerts come  
7 the potential for unruly folks, whether  
8 it's drinking or, you know, whatever is  
9 happening. So is there a plan with whether  
10 it be construction barricades, arrows,  
11 signage, whatever to move that crowd so  
12 that they come in and leave in a peaceful  
13 way?

14 CHIEF McMURRAY: No. The  
15 downtown area is such that it doesn't -- we  
16 have parking garages that most of them  
17 parked at, and then it's metered, which  
18 isn't -- it's not enforced on weekends and  
19 after 5:00 anyway.

20 MS. HUNTLEY: I hope it's not  
21 enforced today.

22 CHIEF McMURRAY: I told them not  
23 --

1 MS. GUERRIERI: I second that.

2 CHIEF McMURRAY: -- to write any  
3 tickets unless it's Birmingham, but...

4 MS. HUNTLEY: I'm glad I'm  
5 Chilton County.

6 CHIEF McMURRAY: The -- no.  
7 That's a good question. No. The dynamic  
8 in the area permits for, like, the Von  
9 Braun Center, and it has a parking area,  
10 and then the downtown has a parking garage,  
11 and so we allowed people to park and  
12 migrate in from different directions.

13 There's a large parking area  
14 right across the street over here they like  
15 to use after 5:00. There's plenty of free  
16 parking. Most people in Huntsville know  
17 how to come in and out. And so we didn't  
18 try to -- we -- we like the natural flow of  
19 coming in from different directions, and it  
20 just -- you can't really funnel that with  
21 sign boards or manage it.

22 We did expect 1500 or so people.  
23 We knew the venue down there would hold it.

1 You saw the crowd size. It was kind of  
2 comfortable. Crowded, but everyone -- it's  
3 a natural amphitheater. It's a really good  
4 little place. So when they dispersed, they  
5 had plenty areas to go to.

6 Now, we knew there would be a  
7 desire for a march afterwards, and so we  
8 went ahead and locked down the courthouse  
9 square one block in every direction because  
10 even though I technically denied the permit  
11 because it wasn't in time, I did tell them  
12 that it'd be okay. It's safe. You know,  
13 it's safe. There are not going to be any  
14 cars on the road. Nobody is going to run  
15 you over.

16 I couldn't stop them honestly. I  
17 mean, I could have left the roads open, but  
18 that would have been trouble. The public  
19 would have been trying to drive through  
20 these large crowds of 1500 people, and so,  
21 I mean, honestly that's just not where I  
22 wanted to be. It's a whole lot easier for  
23 me just to block the roads and let them

1 have it, which we did.

2 MR. SHARMAN: As long as we're on  
3 the topic of communication, Chief, a  
4 specific question that has come up to us as  
5 we have not only digested what people said  
6 at the public hearings but also in  
7 interviews of various people.

8 With regard to the permitted  
9 event -- and I realize you said one wasn't  
10 but one was -- there was a time change with  
11 regard to the concluding time of it, and  
12 some witnesses have ascribed to that to us  
13 an ill intent on the part of the department  
14 or an inappropriate intent on the part of  
15 the department to try to curtail or shut  
16 down the proceedings.

17 So what's your understanding and  
18 take just on that time-change question, if  
19 you know what it is I'm talking about.

20 CHIEF McMURRAY: I do. So you  
21 really need to address the NAACP local  
22 president and the state president because  
23 it was that communication that got mixed

1 up.

2           The state president had asked him  
3 to do this, and he had started the  
4 paperwork for it but never cleared it with  
5 the police department. The local  
6 Huntsville president never had the permit  
7 signed, but he was already putting out some  
8 literature, and he had put out an  
9 announcement of a time that he didn't have  
10 approved yet.

11           And so once he came to the police  
12 department and we told him -- because I  
13 think, originally, they wanted to have the  
14 entire event on the courthouse, and by us  
15 talking to him and explaining how much more  
16 pleasant it would be just a hundred yards  
17 away at this natural amphitheater -- it's  
18 cooler. It's going to be hot. You're  
19 going to have dehydration --

20           Let's have it at the spring where  
21 everybody can hear you. Everybody can  
22 assemble. You're only a few feet from the  
23 courthouse, but this is so much nicer here.



1 He said you're right. We had the event  
2 there Monday. It was beautiful right  
3 there, and you can walk right up to the  
4 steps of the courthouse.

5 Another reason was I don't  
6 control access to the courthouse. The  
7 sheriff does. He owns the courthouse  
8 property. So it's not jurisdictionally the  
9 City's. The park is.

10 So by talking to the NAACP, I  
11 said let's work together and have this at  
12 the safest, the most comfortable area we  
13 can. It's still close. You can still see  
14 the courthouse. And so the time change was  
15 made between those two, not between us. We  
16 were always going to have that. And, like  
17 I said, we -- we closed the roads and  
18 allowed them to walk anyway unpermitted.

19 MR. SHARMAN: Whose decision was  
20 it to make the time change?

21 CHIEF McMURRAY: That was between  
22 the local NAACP president and the state  
23 president.

1           MR. SHARMAN: So you're saying  
2 had they wished to have it later or  
3 whatever time they wanted it, they could  
4 have? I mean, that was a matter of  
5 indifference to you?

6           CHIEF McMURRAY: Well, I think --  
7 I think there was another thing where they  
8 wanted to have a permitted march or  
9 something to go even longer, and we said it  
10 was -- there was just a misunderstanding  
11 there of where they wanted this march. You  
12 know, we're not going to not let you march,  
13 but you've got to remember this is, like,  
14 the week of the event.

15           There was a lot of  
16 disorganization going on here and a lot of  
17 misunderstanding because our local person  
18 is taking orders from the state person, and  
19 he's not communicating with HPD. He's just  
20 communicating to us through him. And it  
21 just got --

22           So finally we agreed with the  
23 5:30, I think, stopping at 5:30, not 6:30.

1 And that made us a whole lot more  
2 comfortable too because there were other  
3 events going on that evening and other  
4 things going on at the park, the VBC, at  
5 the Downtown Huntsville. You had  
6 restaurants and everything else going on.

7 Everyone gets off work at  
8 5:00 o'clock. And it's just the congestion  
9 in the area and the safety of everybody, it  
10 would have been a lot easier for us to  
11 manage at 5:30. And he said okay. 5:30.  
12 And I didn't know that was -- that they had  
13 already sent out some pre-event posting,  
14 social media, that 6:30. They did that  
15 before it was signed, though.

16 MR. SHARMAN: So I take it it's  
17 your view if there was a communication  
18 problem, that's really to be laid at the  
19 door of the organizers or whoever was  
20 dealing with it really?

21 CHIEF McMURRAY: I think there  
22 was some fast, fast -- you know, there was  
23 a time problem going on here. Like I said,

1 Huntsville was one of the last cities in  
2 the state to even set these events up, and  
3 they were -- you know, they were pushing  
4 these through as fast as we could, and we  
5 were working with them the best we could,  
6 but it just didn't work out too well.

7           So there was a little bit, but  
8 like I said, we were there till -- we were  
9 there patiently waiting till almost  
10 8:00 o'clock that night anyway, so...

11           MS. HUNTLEY: Were you aware  
12 ahead of time, Chief, that the information  
13 that was out there on social media about  
14 the time conflicted with your understanding  
15 with the organizers about the time?

16           CHIEF McMURRAY: No. That's  
17 handled through special operations captain  
18 and their division, and then they -- they  
19 fill out the permit, they manage it, and  
20 then they send the permit up me. And I'm  
21 one of four people in the city who signs  
22 the permit once it comes up, so I sign it,  
23 the fire department, operation green team

1 signs it, and so it goes through a process.

2           So, no, I wasn't aware of the  
3 conflict of the time change. I wasn't  
4 aware that the state president wanted it to  
5 go to 6:30, and, locally, we preferred  
6 5:30. I think out -- I think special  
7 operations had a bunch of things on their  
8 plate that day, and they -- they kind of  
9 talked them into 5:30 and didn't know that  
10 it had already gotten out advertised at  
11 6:30.

12           But we held it. We held it for  
13 the later 6:30. It wasn't like we denied  
14 it.

15           MS. HUNTLEY: But the march part  
16 up at the square. So I'm just trying to  
17 understand. You-all approved the permit  
18 for the rally in Big Spring Park but denied  
19 the request to have the march?

20           CHIEF McMURRAY: Correct.  
21 Knowing the whole time we weren't going to  
22 deny it. You know what I'm saying?

23           MS. HUNTLEY: Okay. I don't.

1 MR. SHARMAN: Not really, no.

2 CHIEF McMURRAY: I told you I  
3 couldn't stop 1500 people. If they wanted  
4 to get up there and walk on the square,  
5 it's my job to make sure they do it safely,  
6 and I told them that. Okay? Told them  
7 that. Look. You're going to -- there's  
8 not going to be any accidents in  
9 Huntsville. You're not going to get hurt  
10 if you want to go up there and walk around  
11 the square. We just don't have proper time  
12 for the permitted event.

13 There was a -- evidently  
14 something going on between special  
15 operations commander and their -- the time  
16 for the event all that. They said it's  
17 1500 people. You know, it's going to take  
18 30, 40 minutes to get them all to their car  
19 anyway just to disperse. Right?

20 So let's just close off the  
21 roads, make it safe for them to get back to  
22 their cars. If they want to get up there  
23 and walk around and have an assembly and a

1 prayer on the courthouse square, I'm going  
2 to make it safe for them, and we did.

3 MR. SHARMAN: We've been going  
4 about an hour and 20 minutes. Maybe it's  
5 appropriate to take a four- or five-minute  
6 pause here and resume?

7 MR. RILEY: That will work.

8 MR. SHARMAN: Madam Chairman, is  
9 that okay?

10 MS. GUERRIERI: Yeah, that's  
11 fine.

12 (Brief recess.)

13 MS. GUERRIERI: We'll just get  
14 back to order now and continue on.

15 MR. SHARMAN: All right. So  
16 we're back on the record after a brief  
17 break. And, Chief, again, I want to be  
18 mindful of your time and also be sure to  
19 leave time for CAC members to ask questions  
20 as well.

21 Let me direct your attention to  
22 the question or the area or topic of  
23 agencies that were involved in these events

1 on June 1st and 3rd in addition to the  
2 Huntsville Police Department. Okay? All  
3 right. So I think we established the  
4 county sheriff's department was involved,  
5 right?

6 CHIEF McMURRAY: Yes, sir.

7 MR. SHARMAN: And ALEA, the  
8 Alabama Law Enforcement Agency?

9 CHIEF McMURRAY: Yes, sir.

10 MR. SHARMAN: And the Madison  
11 Police Department, right?

12 CHIEF McMURRAY: Yes, sir.

13 MR. SHARMAN: Were there any  
14 other agencies involved?

15 CHIEF McMURRAY: I saw some  
16 federal agents walking around in there. I  
17 don't know if they were attached to the  
18 sheriff's department or one of their  
19 liaisons, but I saw that on the video, but  
20 they didn't -- they weren't answering --  
21 they weren't part of my group.

22 MR. SHARMAN: Okay. You  
23 recognize them because you knew them



1 previously so you could identify them, but  
2 you didn't have necessarily an official  
3 relationship with them before those events?

4 CHIEF McMURRAY: No. They  
5 weren't part of command and control that I  
6 was in charge of.

7 MR. SHARMAN: And that's a good  
8 point. I assume, but correct me if I'm  
9 wrong, that in some way, like the CEO of a  
10 corporation, you, as the chief, are  
11 ultimately in charge and responsible. Is  
12 that an accurate statement?

13 CHIEF McMURRAY: I'm responsible  
14 for what I'm responsible for.

15 MR. SHARMAN: Yes, sir. Well,  
16 let me ask it a different way. For  
17 June 1st and June 3rd, who at HPD was  
18 responsible with regard to these events? I  
19 mean, ultimately responsible.

20 CHIEF McMURRAY: That was me,  
21 yes, sir.

22 MR. SHARMAN: Okay. I mean, I  
23 understand that there were assignments made

1 by officers junior to you at command  
2 center, incident, and so forth, right? But  
3 who were decision-makers with regard to,  
4 for example, deploying less-than-lethal  
5 devices? Who was the decision-maker or  
6 decision-makers with regard to that  
7 question?

8 CHIEF McMURRAY: So the train  
9 process is the tactical commander on the  
10 ground has final word. Okay? In fact, you  
11 -- if you watch the video, you see him  
12 talking to some of his grenadiers about  
13 loading his device with the proper  
14 canisters. He has that conversation on  
15 what will be deployed: CS, OC, smoke. He  
16 has a variety he can -- he can go foam  
17 batons. He -- there's a variety of  
18 equipment. He has the ultimate final say  
19 because he is the tactical commander.

20 Now, his direction is a direct  
21 result of his training and supervision and  
22 what he's allowed to do. I'm the one that  
23 is over the Huntsville Police Department

1 training standards application. There is  
2 an incident commander in NAMACC that has  
3 operational control over all the events,  
4 but the tactical commander on the ground is  
5 standing there with the officers actually  
6 with the grenadiers in front of them making  
7 sure that all of this is done according to  
8 his guidance, and I'm the one ultimately  
9 responsible who provides training and  
10 supervision and purchase of all the  
11 equipment used.

12 MR. SHARMAN: So on June 1st, who  
13 made the decision to use less-than-lethal  
14 materials?

15 CHIEF McMURRAY: That was -- on  
16 June 1st, it was actually me. I was on the  
17 ground as the tactical commander on the  
18 1st.

19 MR. SHARMAN: And same question  
20 for June 3rd. Who made the decision on  
21 June 3rd?

22 MR. McMURRAY: On June 3rd, that  
23 decision ultimately came from the tactical

1 commander on the ground, which was Captain  
2 Juan Joyner, advising incident command what  
3 he was going to do. Ken Brooks was  
4 incident command captain. I'm right there  
5 at his shoulder saying, okay, we support  
6 the decision.

7 MR. SHARMAN: All right. On  
8 June 1st, what, if any, less-than-lethal  
9 uses of force did Huntsville Police  
10 Department employ?

11 CHIEF McMURRAY: So it was one  
12 maybe two canisters of CS, which is an  
13 irritant propelled by smoke. And then I  
14 think that's all. We didn't -- we didn't  
15 do any launchables. We didn't -- that's  
16 pretty -- that's all.

17 It was a very small crowd at that  
18 time. It was like 500, and it got down to  
19 300 by the time the first few canisters --  
20 I think one or two canisters was all we  
21 used. And we never went past the first  
22 courthouse block. Okay? We didn't have  
23 to. It went very easy. That was all that

1 was needed.

2 MR. SHARMAN: Same question for  
3 June 3rd.

4 CHIEF McMURRAY: I don't have the  
5 paperwork in front of me on June 3rd.

6 There were multiple launchables, okay, that  
7 were air launched to get some distance.

8 There was -- rollables is all we used.

9 And then later about 30 minutes  
10 into it, there was a group that became  
11 combative in the park, and we used some  
12 foam batons, which are launchables. And  
13 they just kind of, you know, quit throwing  
14 things at us. Go on. Go on. They're  
15 called less-lethal. And some of those have  
16 some OC in them, but they're --

17 So I've provided all of that in  
18 writing with an after action and gave the  
19 exact amount of ordnance that was used.

20 MR. SHARMAN: When you say the  
21 "foam," is that the same thing that some  
22 people call a "bean bag," or is that a  
23 different thing?

1 CHIEF McMURRAY: It's -- it's  
2 different. A bean bag is a collapsible. A  
3 foam baton is just a 40 -- it's a -- it's  
4 called a crushable. It's very soft. It's  
5 like a little bit above a Nerf baton.  
6 Little harder than a Nerf. Has better  
7 distance than a bean bag. A bean bag loses  
8 its velocity very quick, and it veers off  
9 at about 15 to 20 yards. You can't use it  
10 anymore. The launchables, they'll go out  
11 to about 25, 30 yards.

12 MR. SHARMAN: It looked like from  
13 my review of the records that there was one  
14 occasion where an HPD officer did use bean  
15 bags in response to a protester. Is that  
16 consistent with your recollection,  
17 understanding?

18 CHIEF McMURRAY: Yes, sir. We  
19 used several bean bags on the 3rd.

20 MR. SHARMAN: Okay. Did HPD,  
21 either on the 1st or the 3rd, use rubber  
22 bullets?

23 CHIEF McMURRAY: No, sir, we did

1 not. Did not have those in our inventory.

2 MR. SHARMAN: Are they not  
3 allowed to be used by policy?

4 CHIEF McMURRAY: Not by my  
5 officers, no, sir.

6 MR. SHARMAN: And I don't want to  
7 get caught up in semantics. Is a rubber  
8 ball or rubber pellet the same thing as  
9 what people call a rubber bullet, or are  
10 those different things?

11 CHIEF McMURRAY: The only  
12 expendables we used were the bean bags  
13 launched by a 12-gauge shotgun and a  
14 crushable baton, which was launched by a  
15 40-millimeter launcher, and that's a --  
16 it's not -- it's not rubber. It's not  
17 plastic. It's just a crushable little foam  
18 baton.

19 MR. SHARMAN: But just so I'm  
20 clear, the department's less-lethal policy  
21 does provide for the use of rubber bullets.  
22 They just weren't used in this instance,  
23 right?

1                   It's at tab 2, Trey, if you want  
2   to take a look at it.

3                   Or am I misreading that?

4                   CHIEF McMURRAY:  No.  We -- we --  
5   when...

6                   MR. SHARMAN:  Next page.

7                   CHIEF McMURRAY:  I don't know  
8   what the revision date on that is, but we  
9   probably -- 20 years ago, probably did use  
10  rubber bullets, and we even used rubber  
11  balls, which are called stinger grenades.  
12  We don't.  I mean, those weren't employed.  
13  They were not used.

14                  MR. SHARMAN:  Okay.  I think Trey  
15  is pointing to page 1842 there, Trey.  It's  
16  paragraph 9.  If I'm reading that  
17  incorrectly, tell me, but this is what was  
18  produced to us, and it says, "There are  
19  many projectiles considered less lethal.  
20  The primary types used by the Huntsville  
21  Police Department are" -- and then there's  
22  a list there in paragraph 9.

23                  CHIEF McMURRAY:  I see it.



1 "Rubber ball or rubber pellets, 12-guage."

2 MR. SHARMAN: But you don't think  
3 that's actually --

4 MR. McMURRAY: We don't -- we do  
5 not have those in our inventory. We  
6 haven't purchased those in -- we went back  
7 and looked for the last time we purchased.  
8 We couldn't find a purchase order for them  
9 ever. So I know we used to have them  
10 because, like I said, 20 years ago, I was  
11 in -- maybe longer than that, I was in  
12 mobile field force.

13 MR. SHARMAN: So you think that  
14 that's just an artifact from the past?

15 CHIEF McMURRAY: That's a  
16 standard type of incident response team  
17 equipment, but we don't have it in our  
18 inventory. I will tell you that. It's not  
19 ours, and we don't carry them. Our  
20 grenadiers don't have them on their person.

21 MR. SHARMAN: All right. What  
22 agency discharged rubber bullets on  
23 June 1st and June 3rd?

1 CHIEF McMURRAY: To my knowledge,  
2 the Madison County Sheriff's Department  
3 were the only ones using those.

4 MR. SHARMAN: Given that HPD does  
5 not use them, did it surprise you that the  
6 sheriff's department used them?

7 CHIEF McMURRAY: I think the use  
8 of them is not so much the problem. It's  
9 the misuse of them that becomes the  
10 problem. They have a direct application.  
11 Okay? A bean bag is only good from about  
12 me to you. It floats after that.

13 You go to a rubberized device  
14 which has stabilizer fins on it. If I have  
15 -- if I have to shoot somebody at the back  
16 of this room, I have to use a stabilize fin  
17 device. It was our determination that if  
18 we have to disrupt you that far away, let's  
19 just use some gas or some other device.  
20 Okay?

21 So we've had a lot of experience  
22 and training, and we just decided to get  
23 away from it. One reason is because, yes,

1 it is more accurate, but it is more  
2 devastating because it's harder, and so you  
3 can put out eyes with it. You can cause  
4 other -- so it was our opinion just to get  
5 away from the use of it.

6 Close encounter, if you need to  
7 be moved close and I can move you with a  
8 bean bag with less damage, that was our  
9 choice. It's always been our choice, and  
10 we've stuck with that for many, many years  
11 now.

12 MR. SHARMAN: Do you have a view  
13 as to whether or not rubber bullets were or  
14 were not appropriately used on June 1st and  
15 June 3rd?

16 CHIEF McMURRAY: I don't. I  
17 don't think that would be appropriate for  
18 me to -- because I -- I haven't seen their  
19 use of it. You'd have to go back and  
20 review those deputies' use of it and their  
21 videos.

22 MR. SHARMAN: There were also,  
23 based both on photographs and also on

1 citizens' testimony, officers who were  
2 positioned on one or more rooftops with  
3 weaponry, with long guns of some sort.  
4 Were those HPD officers?

5 CHIEF McMURRAY: No, sir.

6 MR. SHARMAN: Were they county  
7 deputies?

8 CHIEF McMURRAY: To my knowledge,  
9 no, sir.

10 MR. SHARMAN: Who were they?

11 CHIEF McMURRAY: Madison Police  
12 Officers. They were the SWAT team with the  
13 Madison Police Department.

14 MR. SHARMAN: Okay. Was the use  
15 and positioning of those officers in that  
16 way, was that part of the pre-event  
17 planning, or was that something that you  
18 and your colleagues sort of observed when  
19 it happened?

20 CHIEF McMURRAY: So if you go  
21 back and look at the June 4th interview  
22 Sheriff and Dave Jernigan and I did,  
23 Sheriff points out that in our

1 pre-interview, the chief and I decided the  
2 sheriff would take care of the courthouse,  
3 and the chief would take care of the  
4 streets and anything outside of the  
5 courthouse because he takes care of county  
6 property, and he -- and I would take care  
7 of anything that occurred on the streets.

8 He mentions that. He says that  
9 in his own words. That is, in fact, true.  
10 That is a conversation that we had.

11 Tactical oversight is part of any large  
12 major -- you don't want a bad guy to get  
13 up high on a roof and take over an event,  
14 and so you take it over. The best optics  
15 you can provide is from a member of the  
16 SWAT team who has the binoculars and  
17 spotting scopes. Officers don't have that.  
18 The SWAT team does.

19 And so I think he asked for the  
20 Madison Police Department to get up there,  
21 just cover the rooftop for us. That let  
22 him cover the rest of his deputies down  
23 low. That was his thought process.

1 MR. SHARMAN: One complaint or  
2 observation that has been shared with us is  
3 that it appeared to participants that those  
4 officers were actually singling out or  
5 aiming at particular individuals with their  
6 weapons. Do you think that is factually  
7 the case or not?

8 CHIEF McMURRAY: I have not seen  
9 proof of that. I've been made aware of it  
10 afterwards. Like I said, if they were  
11 using some sort of optics, I would have  
12 hoped they weren't doing so attached to a  
13 rifle because that -- I can see where that  
14 would be inappropriate, and I would ask my  
15 SWAT team not to -- I provide binoculars  
16 for my SWAT team and spotting scopes, so I  
17 would -- I don't know.

18 You're asking me to comment on  
19 something from a different SWAT team. If  
20 somebody saw that or has a picture of it, I  
21 think that's a -- a concern. Nobody wants  
22 to see a man with a rifle on a rooftop.  
23 That's why we take the rooftops and make

1 sure that doesn't happen.

2 MR. SHARMAN: For the events of  
3 June 1st and 3rd, if a protester were  
4 struck by a rubber bullet or any  
5 less-than-lethal item, whose  
6 responsibility, if anyone's, was it to get  
7 such a person medical attention?

8 CHIEF McMURRAY: It's our -- if  
9 it happens down on the street and they ask  
10 for medical attention, we call for HEMSI  
11 immediately. So it's -- it's the emergency  
12 operationer's. It's us. It's law  
13 enforcement. It's whoever sees that need.

14 MR. SHARMAN: Do you know whether  
15 or not any protesters on those days sought  
16 medical attention and got it or did not get  
17 it?

18 CHIEF McMURRAY: I know of at  
19 least one that asked for it, and we called  
20 immediately for an ambulance and got her an  
21 ambulance. I don't know of anybody else,  
22 but I think that -- I know of at least one,  
23 yes, sir.

1 MR. SHARMAN: To your knowledge,  
2 was anybody denied medical help?

3 CHIEF McMURRAY: No, sir.

4 MR. SHARMAN: I asked you earlier  
5 about the coordination between agencies.  
6 Was there an ultimate commander over all  
7 agencies for these events, or was everybody  
8 in their own sort of organizational silo;  
9 that is, you with HPD, the sheriff with the  
10 sheriff's office, and so forth?

11 CHIEF McMURRAY: The sheriff  
12 could have assumed control if he wanted to,  
13 but the agreement between him and I was  
14 exactly as he said in that interview that  
15 he would stay on the courthouse and protect  
16 it, and I would take care of anything that  
17 occurred on the street. And so we -- we  
18 had made that kind of gentleman's  
19 agreement.

20 And certainly if he needs  
21 assistance on the courthouse, I would help  
22 him; and if I asked him to come down and  
23 help me on the street, his deputies would



1 have. I didn't ask him for any of that  
2 assistance, but he did call me on several  
3 occasions and asked me to come to the  
4 courthouse, that they were becoming  
5 overwhelmed like on June 1st especially.

6 MR. SHARMAN: From the video, it  
7 seemed that on the street, so to speak,  
8 there were sheriff's deputies. If that's  
9 the case, would that have not been at your  
10 request but rather at their own initiative?

11 CHIEF McMURRAY: That's correct.

12 MR. SHARMAN: Just to be clear,  
13 so you didn't make that -- you don't recall  
14 you or any of your subordinates asking the  
15 sheriff's department to come on the street  
16 for whatever task?

17 CHIEF McMURRAY: Not -- not for  
18 the 1st. Now, for the 3rd, the only thing  
19 we asked was to watch our -- as we were  
20 looking at the courthouse, to watch our  
21 right flank. Just watch that roadway.  
22 Make sure we're not flanked to the right.  
23 We were going to take the left. The state

1 troopers was going to watch our rear.

2 But we did not ask them to come  
3 off the courthouse and give us any  
4 assistance, no.

5 MR. SHARMAN: There are also  
6 persons on the videos that we've been  
7 provided who appear to be law enforcement  
8 officers in more or less plain clothes.  
9 That is to say not in uniform but, perhaps,  
10 have a badge on a belt or some addition  
11 that leads you to believe that they are law  
12 enforcement. If that's the case, were  
13 those HPD personnel or with another agency?

14 CHIEF McMURRAY: Time and place  
15 means a lot with that question. I mean,  
16 during the actual event --

17 MR. SHARMAN: Yes, sir.

18 CHIEF McMURRAY: -- we had  
19 embedded undercover people walking around  
20 that knew each other.

21 MR. SHARMAN: Right. And I'm  
22 drawing distinction between those folks  
23 versus persons who appear to be law

1 enforcement agents of some sort; that is,  
2 they're armed openly. They have some  
3 badge, some button, something that  
4 indicates that they are law enforcement  
5 officers of some sort. Were those persons  
6 HPD personnel or personnel of some other  
7 agency?

8 CHIEF McMURRAY: To my knowledge,  
9 we had nobody like that. All of ours --  
10 when you get into a situation like that, we  
11 -- we try to make sure all of our officers  
12 are clearly marked, uniformed, know each  
13 other. And so, to my knowledge, I don't  
14 know that any of those individuals belonged  
15 to the Huntsville Police Department.

16 I'm not really sure exactly who  
17 you're referring to, so it's hard for me to  
18 answer that question, but I don't remember  
19 seeing those individuals, so...

20 MR. SEWELL: If I may, Chief, I  
21 recall there was one gentleman that had on,  
22 I think, like a red long-sleeve shirt, some  
23 jeans, and he had on like a tac vest over

1 it and had a rifle, like AR-15 style rifle.

2 I think that's kind of an example of what

3 Jack is trying to get to. If that sounds

4 like anything y'all would have authorized.

5 CHIEF McMURRAY: That's probably

6 sheriff's department. Sheriff's department

7 has unique -- he has a vice and narcotics

8 team that is tactical, and he has a SWAT

9 team, and he -- he has a reserve sheriff

10 deputy group of people that he swears in.

11 I mean, that -- I think that's who you're

12 talking about. You won't find my officers

13 doing that or coming to an organized event

14 dressed like that, though.

15 MR. SEWELL: Okay.

16 CHIEF McMURRAY: Thank you. Good

17 question. I -- I think I know what you're

18 talking about now.

19 MR. SEWELL: Thank you.

20 MS. HUNTLEY: And back to the who

21 was in control and the gentleman's

22 agreement you had with the sheriff. So he

23 had his folks as well as Madison City SWAT

1 team on the roof. Then you had your folks  
2 on the ground. Who coordinated with ALEA  
3 with the troopers that were involved? Was  
4 that you?

5 CHIEF McMURRAY: Yeah, I did.

6 MS. HUNTLEY: And so what was  
7 your understanding or agreement with ALEA  
8 or whoever was leading that agency?

9 CHIEF McMURRAY: Okay. So ALEA  
10 asked me if, you know, you need any  
11 assistance for this or whatever, and I  
12 said, well, actually, we're stretching  
13 thin. I have targets of opportunity that I  
14 would like to put some officers' eyes on,  
15 but I don't want to pull them away from the  
16 event. And I said, would it be possible  
17 for I have, you know, 10, 12? And they  
18 said absolutely. They sent 10 or 12.

19 So I had them on the outer  
20 perimeter. They were like secondary  
21 response teams. They were watching our  
22 back at a distance a block or two in every  
23 direction, and I had them posted at

1 critical locations which were -- we were  
2 observing getting hit in other cities.  
3 Something like -- and I explained this --  
4 the museum of art less than a block away.  
5 Millions in priceless artifacts could be  
6 damaged if I had lost control.

7 We had other areas that were  
8 200-year-old buildings that if one spark  
9 started a fire in there, how do you get  
10 fire and suppression people to the  
11 emergency when I've got the blocks all --  
12 I've got 1500 people in the street, and  
13 I've got a lot of chaos out here, I've got  
14 the roads blocked in every direction. How  
15 do I get emergency -- we talked to the fire  
16 department about all that, and we actually  
17 met with them pre-event and talked about  
18 where these areas need to be eyes-on.

19 And the state troopers provided  
20 me a force multiplier to go put -- so I  
21 would put them -- I put a trooper over  
22 here, a trooper over there, somebody over  
23 there, and there were just helpers to watch

1 our backs and just kind of keep an eye on  
2 areas. Just -- just that trooper car in  
3 front of the building meant a lot for me  
4 knowing that somebody was watching it, some  
5 of those strategic areas.

6 MS. HUNTLEY: So other than that,  
7 their strategic placement, did they play a  
8 role at your direction in the leading of  
9 the crowd when you dispersed the crowd on  
10 either June 1 or June 3?

11 CHIEF McMURRAY: So on June 1,  
12 there was only one trooper there, and he  
13 was up on the courthouse. We did not use  
14 them. That's when he communicated with the  
15 director of ALEA, and he called me and  
16 asked me, and I said, yeah, I'll take 12 if  
17 you've got 12 in the area.

18 Well, during the event buildup  
19 there, he called me -- they called again  
20 through the lieutenant that's working with  
21 me and said would you like 12 more? And I  
22 said, well, the crowds are building. It's  
23 about to get dark. Why don't we use them

1 as a distraction one last kind of thing.

2 Come on in.

3           So I wanted them to come in to my  
4 rear down Madison Street, but troopers  
5 being what they are with lights and siren,  
6 they came off the interstate and came right  
7 down this direction from the face end.  
8 Ended up splitting the crowd, lights and  
9 siren, which turned out a better plan than  
10 what I had because everybody that had a  
11 frozen water bottle threw it at the  
12 troopers and not us, and they caught a lot  
13 of them.

14           And they got out and staged there  
15 and covered our backs so that we could --  
16 we knew we weren't going to be advanced on.  
17 If you watch the progression of the crowd  
18 on June 3rd, it was different than June  
19 1st. They didn't assemble around -- it  
20 wasn't around the statue. When they  
21 watched what we did on the 1st, we moved  
22 them away from there north real quickly and  
23 stopped.



1                   Well, on the June 3rd, they --  
2 they split up. They came down to Madison  
3 Street and met us, and 150, 200 went to my  
4 left, and about 100 to 150 went to the east  
5 side and west side, and they were like  
6 converging on both sides of us all of a  
7 sudden. The statue was no longer an issue.  
8 And looking at this from overhead with the  
9 drones, I wouldn't have let my guys march  
10 into that because I know what was about to  
11 happen. We were about to be surrounded.

12                   So I asked the troopers, how many  
13 more can you bring me? And they said, give  
14 me 15 minutes, I'll have you 12 more cars.  
15 I said okay. Bring them on. I got a plan.  
16 Again, these things are real time now, so  
17 I'm going back and I'm trying to help you  
18 with them.

19                   So we called the troopers in.  
20 They came in. We used them as a  
21 stabilizing just to make sure everything  
22 was stabilized and covered our back.

23                   MR. SHARMAN: Other than the

1 crowd splitting, for lack of a better term,  
2 that ALEA did and other than the backup on  
3 a perimeter, did ALEA do anything else on  
4 either the 1st or the 3rd?

5 CHIEF McMURRAY: They just walked  
6 around and covered our back as we -- as we  
7 maneuvered. That's all. They had no --  
8 nothing other than a Smokey Bear hat on  
9 their heads is all I remember.

10 MR. SHARMAN: And you mentioned  
11 Madison Police Department and the officers  
12 on the rooftop. Did Madison Police  
13 Department have any other role other than  
14 that?

15 CHIEF McMURRAY: No, sir.

16 You asked about the undercover  
17 shirts guys, and I don't mean to put that  
18 all off on the sheriff's department because  
19 we -- we work collectively on the same drug  
20 team task force. I imagine that's the drug  
21 team task force, which I might have a guy  
22 in their unit; they have a guy in my unit.  
23 I think that's who you're -- who you saw

1 with the rifle.

2 So we do share in some of our  
3 task -- I have one assigned to his group.  
4 He has one assigned to my group, and I'm  
5 pretty sure that's who that was.

6 MR. SHARMAN: All right. With  
7 regard to any use of force issues, have any  
8 complaints been lodged with the department  
9 or individuals about use of force?

10 CHIEF McMURRAY: As of today, I  
11 called internal affairs today before I came  
12 to this meeting. Not one single citizen  
13 has filed a complaint with internal  
14 affairs, which is the process, and I  
15 believe my esteemed counselor here will  
16 tell you that not one single lawsuit has  
17 been filed yet.

18 MR. BLAIR: No claims.

19 CHIEF McMURRAY: No claims as of  
20 today.

21 MR. RILEY: I will not be  
22 marching around the courthouse crowing  
23 about that, so...

1 (Reporter clarification.)

2 MR. BLAIR: It's superfluous.

3 CHIEF McMURRAY: Sarcasm.

4 MS. HUNTLEY: So to be clear with  
5 the ALEA portion, the bringing in of the  
6 additional 12 troopers was something that  
7 you made the determination on in real time  
8 once you saw the size of the crowd?

9 CHIEF McMURRAY: That's correct.  
10 So his ALEA lieutenant who was in the  
11 NAMACC, seeing the crowd, looking at their  
12 countermeasures that the crowd seemed to be  
13 setting up some type of countermeasure. It  
14 wasn't the same organization as the first.  
15 They staged differently. They split up  
16 differently. It just makes you reevaluate  
17 what you're about to put your officers in  
18 front of. Right? Because it wasn't the  
19 same.

20 So we're talking over tactics,  
21 and we're talking over organization. How  
22 are we going to do this with the least  
23 amount of force? How can we be successful?

1 And so they were brought in as a --

2 And I don't mean to go on, but we  
3 actually picked chatter up from a social  
4 media site that was secret. Supposedly a  
5 secret group of people who don't like  
6 police officers. We're members of that  
7 chat group. And they told us that those  
8 troopers were coming in on Interstate 65  
9 heading toward Madison.

10 They had better intel. My  
11 lieutenant -- the ALEA lieutenant didn't  
12 know exactly where they were. I knew where  
13 they were watching social media because  
14 people were talking about it on Interstate  
15 I-565 watching the troopers come into  
16 Huntsville. I think there was -- they  
17 reported 15 or 20 of them coming into  
18 Huntsville, and so I knew they'd be here in  
19 seven minutes when I watched that social  
20 media monitoring.

21 Real time, they're talking,  
22 they're chatting to each other. Their  
23 intel was as good as mine is what I'm

1 saying. They were watching us. They had  
2 spotters out around Huntsville, and they  
3 had a plan to disrupt Huntsville after the  
4 event concluded. We picked that up.

5           When the event did conclude and  
6 we got them all to their cars, I had people  
7 staged all over Huntsville in unmarked cars  
8 and marked cars, and every time they  
9 smashed a window, we arrested them. They  
10 shot a guy with an AR-15. We arrested him.  
11 We heard the gun shots. We heard the  
12 glass. We were ready for it.

13           Huntsville is 240 square miles.  
14 24th largest city in the country. We had  
15 people everywhere in Huntsville parked with  
16 their cars turned off listening and  
17 watching, and every time one of these  
18 little chatterboxes told us they were going  
19 to destroy Huntsville, Parkway city mall,  
20 they had -- they told us where they were  
21 going to hit. I had people waiting on them  
22 after 8:00 o'clock. We worked till  
23 midnight that night, and every time they

1 hit us, we arrested them.

2 So what good is intel? It was  
3 very good that night because everyone that  
4 tried to hit is that night --  
5 troublemakers. Okay? Just troublemakers.  
6 They got mad. We knew they were going to  
7 get mad and leave Downtown Huntsville and  
8 go hit us. And everywhere they hit us that  
9 night, we captured them immediately.

10 I can't tell you how proud I am  
11 of us knowing what they were going to do,  
12 where they were going to do it, and we got  
13 them. Burlington Coat Factory was smashed.  
14 We caught them. Jordan and University was  
15 shot up with an AR-15 rifle. The guys  
16 called it in. They heard the rifle shots  
17 going off. They immediately went there and  
18 started a pursuit. Caught them two blocks  
19 away. It just went on like that for about  
20 two or three hours, and we were ready for  
21 them.

22 MR. SHARMAN: All right. You  
23 mentioned your after-action report. Let me

1 kind of direct your attention there, and  
2 I'm going to ask Trey, if he could, to open  
3 your binder there. And if you would look  
4 first at what's at tab 11, please. Can you  
5 tell me what that is, please? And this is  
6 HPD 324 through HPD 333.

7 CHIEF McMURRAY: Through 333?

8 MR. SHARMAN: Yes, sir. Just the  
9 end of the tab there.

10 CHIEF McMURRAY: So this would  
11 appear to be a -- yep. That's exactly  
12 right. This is a blue team, which is  
13 software -- how we -- we don't send up  
14 paper. We send it electronically. So blue  
15 team is our software. So he inserted a  
16 summary of the events that took place, and  
17 what you're looking at on the first few  
18 pages is the chain of command and the  
19 officers involved.

20 And I know it's lengthy, but  
21 that's the way the software processes it.  
22 And then the explanations on 331, Captain  
23 Kenneth Brooks was the incident commander,



1 and it gives a time-by-time breakdown of  
2 the events as they occurred.

3 MR. SHARMAN: So this is an  
4 after-action summary of the events of  
5 June 1st in a digital format that's just  
6 been printed out?

7 MR. McMURRAY: That's correct.  
8 It's a summary after-action of the events  
9 that took place. It's a combination of the  
10 CAD report, the computer-aided dispatch  
11 report, and the written documentation of  
12 what events happened and the best summary  
13 they could provide of what happened.

14 MR. SHARMAN: All right. If  
15 you'll look right towards the end of it on  
16 page 332, it's HPD 332 --

17 CHIEF McMURRAY: Okay.

18 MR. SHARMAN: -- and there's a  
19 numbered list at the bottom of 332 that  
20 appears to reflect a debrief discussion  
21 held at Huntsville Police Academy on  
22 June 6th. Do you see where I am there with  
23 that numbered list down there?

1 CHIEF McMURRAY: Yes, sir.

2 MR. SHARMAN: Item Number 8 says,  
3 "There should have been a pre-briefing with  
4 concerned entities and supervisors." What  
5 do you understand that to mean?

6 CHIEF McMURRAY: I think we met  
7 and had our operation plans, and the  
8 sheriff met with their personnel, and they  
9 had their operation plans, and then the  
10 sheriff and I talked about our plans with  
11 each other, but we didn't let the  
12 communicators, the commanders, actually --  
13 I don't think we held enough -- like I  
14 said, it went together very quickly from  
15 June -- June 1st to June 3rd, and I -- I  
16 think they're saying, hey, guys, we could  
17 have done this better by letting the action  
18 commanders meet too.

19 Because even though the sheriff  
20 and I had -- per gentleman's agreement, we  
21 knew our areas to cover there. They  
22 believe we could have done better talking,  
23 letting the commanders talk to the

1 sheriff's commanders, and that would have  
2 maybe stopped the sheriff's department  
3 personnel from coming down onto the road  
4 and some things like that maybe could have  
5 been handled a little smoother. So when --  
6 you know, better communication is always,  
7 always pointed out in these incidents.

8 MR. SHARMAN: If you would,  
9 Chief, please turn to tab 15 in the same  
10 binder.

11 CHIEF McMURRAY: Okay.

12 MR. SHARMAN: And tab 15, which  
13 begins with HPD 372, appears to be a memo  
14 from Captain Joyner to Captain Brooks.  
15 What is this document? What is this that  
16 we're looking at?

17 CHIEF McMURRAY: This is a memo  
18 about the June 1st event, courthouse. It  
19 would have been cut and pasted and probably  
20 put on a blue team as well.

21 MR. SHARMAN: That was going to  
22 be my next question. What, if any, are the  
23 different purposes, uses, contents of the

1 blue team document at tab 11 and this memo  
2 at tab 15?

3 CHIEF McMURRAY: Good question.  
4 So when you send up a blue team, you can  
5 cut that entire narrative and paste it and  
6 send it up as a body, at which point it  
7 turns out looking like that, or you can  
8 attach documents, actual written memos, and  
9 send it up like this. You can attach  
10 pictures, rosters, Excel spreadsheets.

11 So what it -- it's a different --  
12 all it is is a different attachment. What  
13 you see was a -- Captain Joyner actually  
14 cut and pasted his memo. Captain Brooks  
15 actually sent the document as a Word  
16 attachment.

17 MR. SHARMAN: With regard to  
18 June 1st, are there any other after-action  
19 or assessment or review documents that  
20 you're aware of other than these two we've  
21 just looked at? The one at tab 11, which  
22 is the blue-team-generated document, and  
23 the one at tab 15, which is the memo.

1                   Anything else that we need to  
2 look at if we're looking for  
3 after-action-review-type documents?

4                   CHIEF McMURRAY: I can't think of  
5 any. I'm trying to look here, but -- no,  
6 sir. I think that's probably all of them.

7                   We had some informal hotwashes  
8 where we get together and have blunt  
9 discussions, but we don't -- we didn't --  
10 we don't always document our meetings after  
11 that, our coffee chats.

12                  MR. SHARMAN: Were there any  
13 after-action reviews or analyses of the  
14 deployment of chemical agents or OC?

15                  CHIEF McMURRAY: The  
16 effectiveness?

17                  MR. SHARMAN: The use of them,  
18 the propriety of them, the authority to use  
19 them, the efficacy of them. Any kind of  
20 after-action review discussion that's  
21 memorialized in any of document?

22                  CHIEF McMURRAY: No, sir. Those  
23 are all covered under pre-event training

1 and certification, so nothing that I'm  
2 aware of.

3 MR. SHARMAN: So at least as far  
4 as you know, there's no practice or  
5 requirement after deployment of chemical  
6 agents that there be some sort of formal  
7 analysis, after-action review --

8 CHIEF McMURRAY: Oh. They  
9 absolutely get together in their quarterly  
10 training, and they -- they debrief as a  
11 training monthly. Sometimes they train  
12 monthly; sometimes quarterly. They have  
13 those discussions, and they go over their  
14 use, and they -- they roundtable and they  
15 discuss them as a unit, the effectiveness  
16 and how to do them better.

17 MR. SHARMAN: Okay. But nothing  
18 written as far as you know?

19 CHIEF McMURRAY: No.  
20 Recommendations on changing anything would  
21 come to me from that point, and I have not  
22 received any recommendations for  
23 additional...

1 MR. SHARMAN: All right. Then,  
2 just briefly, if you would look at tab 13  
3 and 16. I'll just go ahead and tell you  
4 that I believe tab 13 and tab 16 are the  
5 same types of documents that we just looked  
6 at except for June 3rd as opposed to  
7 June 1st. That is to say tab 13 is the  
8 blue team report for June 3rd. Tab 16 is a  
9 memo about June 3rd; is that correct?

10 CHIEF McMURRAY: It would appear  
11 so, yes, sir.

12 So what you see is the debrief  
13 notes and then a conclusion of findings  
14 where they needed more stuff, they needed  
15 more equipment, they need more training.  
16 This worked good. This didn't work good.  
17 All that's provided. Yes, sir.

18 MR. SHARMAN: Okay. And you may  
19 be reading from this already, but if you  
20 would turn there to -- in tab 13, page 581,  
21 which may be where you were reading from.  
22 This was from the blue team report from  
23 June 3rd. About halfway down after the

1 chronology, it says, "A debrief was  
2 conducted at the Huntsville Police Academy  
3 on Monday, June 8th, 2020. Representatives  
4 from each Huntsville police unit involved.  
5 Madison County Sheriff, Madison Police,  
6 Huntsville Fire, and HEMSI were present.  
7 The following items were discussed, and  
8 some require further action."

9           And then there's a bunch of  
10 bullet points to the bottom of that page  
11 and even over onto the next page. You see  
12 where I am?

13           CHIEF McMURRAY: Yes, sir.

14           MR. SHARMAN: All right. So I'm  
15 not going to march you through all those,  
16 but I want to ask you about a couple. The  
17 first one actually is "pre-briefing needed  
18 earlier." What do you understand that to  
19 mean? Or what happened to cause that note  
20 to be made?

21           CHIEF McMURRAY: I just -- they  
22 just felt like things just rolled together  
23 like be on -- report here at 2:00 o'clock,



1 and by 3:00 o'clock, they were on the  
2 ground. Didn't feel like they had enough  
3 time to actually be briefed properly, so  
4 they want more briefing time, preparation  
5 time.

6 MR. SHARMAN: Okay. Do you think  
7 a shortened preparation time was an actual  
8 thing?

9 CHIEF McMURRAY: As it turned  
10 out, it wasn't because they were staged for  
11 so long down in -- out of sight. On both  
12 events, the 1st and the 3rd, the incident  
13 response team was never visible. They were  
14 actually brought out later. As the event  
15 escalated, they were actually brought out.  
16 On, I think, the 3rd, it was 48 minutes  
17 later. Don't know the 1st. They kind of  
18 go together sometimes. But --

19 So there was briefing time down  
20 in the event, but the event area itself was  
21 not that conducive to briefing. They were  
22 -- by the time it rolled around, they had  
23 been wearing the equipment. They were hot.

1 It wasn't air-conditioned where they were.  
2 It was in a parking garage, like, on the  
3 second deck hidden, and it really wasn't  
4 conducive to communication and briefing.

5 So I think we could do better on  
6 that next time and provide them a little  
7 bit more hospitality if we're going to  
8 stage that many people. Kind of be a  
9 little nicer to them, get them there  
10 earlier, and talk to them and...

11 MR. SHARMAN: About halfway down,  
12 there's a bullet point that says, "LRAD is  
13 highly directional and provided limited  
14 warning to the crowd."

15 First, LRAD, which is L-R-A-D,  
16 means what? What does that stand for?

17 CHIEF McMURRAY: Long range audio  
18 device.

19 MR. SHARMAN: And, in general,  
20 what is the purpose of an LRAD? What does  
21 it do?

22 CHIEF McMURRAY: It's to provide  
23 a -- it was originally developed by the

1 U.S. Military to transmit a disruptor sound  
2 a long distance in a -- in a wave. It  
3 conducts a wave, sound wave, that travels  
4 longer and greater distances for straight  
5 amounts of time so that you can project  
6 your voice.

7 This particular device can be  
8 heard over one mile away. At half a mile,  
9 it's perfectly audible. It sounds like  
10 you're standing right next to you. It's a  
11 unique technology. It also has disruptor  
12 patterns in it, which at close distance,  
13 you can hit a siren that if it was sitting  
14 right next to you, it would make you sick.  
15 You couldn't stand it. It just -- it's  
16 just nauseating.

17 So it's a disruptor. It's a  
18 long-range device. So we used the sound,  
19 which could be heard everywhere, and then  
20 we used the directional to talk to the  
21 people immediately we're talking to, the  
22 front row. They're the people we need to  
23 get to leave. If they would leave,

1 everyone else would leave anyway.

2 MR. SHARMAN: Do you agree with  
3 the assessment that the LRAD on June 3rd  
4 provided limited warning to the crowd?

5 CHIEF McMURRAY: Not to the crowd  
6 we were trying to address. I disagree. I  
7 think it was highly effective. If I would  
8 have taken the bull horn out there, you  
9 would not have gotten the distance, the  
10 range, or the power that this device would  
11 achieve. So your solution is what? That  
12 is the most highly-technical most-advanced  
13 warning system on the market today.

14 So it is highly directional, but  
15 then you're talking about a two-lane  
16 street. You've seen it. So did you point  
17 it to the left and to the right? That --  
18 we could have done better with that. But  
19 we were giving warnings every two minutes  
20 on the June 3rd. Every two minutes we gave  
21 another warning counting down.

22 So knowing it's directional,  
23 could we have done better? Yes, sir.

1 Absolutely. Turn it to the left. Give  
2 your warning. Go to the right and then to  
3 the right. Left, right, forward. Okay?  
4 They haven't trained with an LRAD in mobile  
5 field force. They trained with bull horns.

6 We went to the LRAD to be more  
7 effective. They recognize that we need to  
8 train with that device. If we're going to  
9 use it, we need to train with it and point  
10 it to different areas so it's more  
11 effective. It is the most effective method  
12 on the market. It was not used effectively  
13 to address every area.

14 Could anyone within a few feet  
15 hear it? Absolutely. Absolutely. You  
16 heard it picked up from the audio mics of  
17 officers who were behind them. They  
18 weren't even in front of it and you could  
19 hear it. So it was more effective than any  
20 device we could have provided, including  
21 the bull horn.

22 MR. SHARMAN: It sounds like it's  
23 possible and reasonable that somebody on a

1 45-degree angle at the back of a crowd, in  
2 fact, may not have heard it. Is that fair?

3 CHIEF McMURRAY: It is. Sure.

4 MR. SHARMAN: And then if you'll  
5 look just at the bottom of page 581 of tab  
6 13, the bullet point says, "Officer on the  
7 line/in the public eye need to avoid hyping  
8 up/escalating." Do you see where I read  
9 that there?

10 CHIEF McMURRAY: What page?

11 MR. SHARMAN: 581. And it's the  
12 next to last bullet point. It says,  
13 "Officer on the line/in the public eye need  
14 to avoid hyping up/escalating."

15 First, do you agree with that  
16 observation?

17 CHIEF McMURRAY: Absolutely.  
18 That's the way we train. Yes, sir.

19 MR. SHARMAN: Do you believe that  
20 that observation is in there because that  
21 happened and needed to be remedied or fixed  
22 or addressed?

23 CHIEF McMURRAY: Not really sure,

1 but that is really good advice, and  
2 apparently some commander might have  
3 spotted something that one of the officers  
4 could have done better. Just, you know,  
5 it's not in our de-escalation skills  
6 training that we give to hype anything up.

7 And, you know, I saw a lot of  
8 officers calm, cool, collective. If you  
9 watched all that body-worn camera, you saw  
10 them very tempered. I did not actually  
11 notice this officer out of line, but  
12 somebody must have. Some commander saw  
13 something he thought they could do better  
14 at.

15 MR. SHARMAN: And then if you'll  
16 flip over to the next page, please, sir, to  
17 582, tab 13. The first bullet point says,  
18 "Assets on the ground need to be mindful of  
19 what they say." What does that mean to  
20 you?

21 CHIEF McMURRAY: That means  
22 everything is being recorded. It's not a  
23 place for sarcastic remarks about the

1 mayor, about the city councilmen, or about  
2 something that a citizen is wearing over  
3 here that you may find inappropriate or  
4 provocative or whatever. This is a  
5 professional time when everything is under  
6 the microscope. Everybody cameras-on.  
7 Everybody is being recorded. Save your  
8 sarcasm and your cop humor for another  
9 time. This is not the time and place.

10 We use these body-worn cameras  
11 and our car cameras as learning moments and  
12 teaching episodes, and that's what they're  
13 saying right here. These are constant  
14 reminders that we put in paper and we  
15 document so that we know this is what  
16 happens when you get officers out there for  
17 eight hours sweating, tired. You can't  
18 keep them on the line much longer than  
19 that. They wear out on you completely.

20 MR. SHARMAN: Were you present at  
21 this debrief at the Huntsville Police  
22 Academy on Monday, June 8th, 2020?

23 CHIEF McMURRAY: I was there for



1 opening remarks and thanked everyone for  
2 their attendance and appreciated it, and  
3 then I left commanders to brief because you  
4 become an -- I become an intimidator at  
5 that point. So I want a fair and open  
6 discussion, so I just thanked them for  
7 their participation, then I left.

8 MR. SHARMAN: So you don't  
9 recall, for example, any discussion one way  
10 or another whether, in fact, somebody had  
11 not been mindful of what they were saying?

12 CHIEF McMURRAY: There's no doubt  
13 when you get a hundred officers there for  
14 prolonged periods of time, somebody is  
15 going to say something.

16 MR. SHARMAN: And then last  
17 question on this document. The next bullet  
18 point says -- similar to the one we  
19 examined earlier -- "Better speaker system  
20 is needed to address the crowd than the  
21 LRAD." Do you recall any further  
22 discussion or follow-up discussion about  
23 the deficiencies of the LRAD addressing the

1 crowd?

2 CHIEF McMURRAY: Yeah. That --  
3 we -- we trained with the bull horns, and  
4 they -- for the -- the noise that was at  
5 this location, they were ineffective. So  
6 we, on-the-fly, went to the LRAD. The LRAD  
7 was directional. It needed to be trained  
8 with so that they hit all and point it  
9 around more.

10 So we're either going to have to  
11 learn how to use the LRAD or get a  
12 bigger-built bull horn because when you get  
13 in these situations with 1500 people, you  
14 better have some volume behind you. And so  
15 we've got a problem there. We're  
16 addressing that now. We're going to get --  
17 we've come a long way.

18 When I trained in mobile field  
19 force, we used air horns. One blast, go  
20 forward; two blasts to stop; three blasts,  
21 turn and run. We're being overrun. That  
22 was the whole system, guys. So we've come  
23 a long way. We're getting better. But

1 this is something we need to get a better  
2 communication system set up, and we're  
3 working on that.

4 MS. HUNTLEY: I'm going to  
5 interrupt my colleague's train of  
6 questioning, but just a quick question.  
7 The 1500 or so people that showed up, was  
8 that anticipated by your NAMACC intel  
9 leading up to the event? And I'm talking  
10 specifically about June 3rd.

11 CHIEF McMURRAY: Yes. The crowd  
12 size of the event was anticipated.

13 MS. HUNTLEY: So you expected  
14 that many people --

15 CHIEF McMURRAY: Yes.

16 MS. HUNTLEY: -- to show up?  
17 And what was that based on?

18 MR. McMURRAY: Just the -- first  
19 of all, the permit and the social media.  
20 So you look at the organizer and how many  
21 people are following because you hit like  
22 and follow, so how many people are liking?  
23 How many people are following?

1                   And we're -- we're -- been pretty  
2                   successful every event within a couple  
3                   hundred people, basically, of knowing the  
4                   crowd sizes. And then we go back and  
5                   evaluate how close we were. We've been  
6                   pretty happy with our estimates on crowd  
7                   sizes on every event.

8                   MS. HUNTLEY: So you-all would  
9                   have had some -- in your pre-planning, you  
10                  would have made some estimate of what you  
11                  had anticipated the crowd size to be, and  
12                  you're saying you guys had estimated it  
13                  close?

14                  CHIEF McMURRAY: Well, we knew  
15                  how many were going to be there for the  
16                  NAACP speeches. The mayor was there. He  
17                  was one of the speakers. And so we -- we  
18                  knew about how many that area would hold,  
19                  and we knew it was going to be full. Yes,  
20                  ma'am.

21                  MR. SHARMAN: All right. Chief,  
22                  I apologize for jumping around, but I'm  
23                  trying to be efficient. Let me direct your

1 attention for a moment to the topic of  
2 chemical agents, generally, and OC in  
3 particular. Okay?

4 CHIEF McMURRAY: CS or OC?

5 MR. SHARMAN: Well, that might be  
6 a good question. All right. So, first, if  
7 you can just confirm for me -- if you'll  
8 turn to tab 8 in the binder before you --

9 CHIEF McMURRAY: Okay.

10 MR. SHARMAN: -- that appears to  
11 me to be the policy concerning chemical  
12 agents, but if you could just take a look  
13 at it and just confirm that that is, in  
14 fact, what that is.

15 CHIEF McMURRAY: Yes, sir.

16 MR. SHARMAN: So this policy was  
17 the policy that governed HPD actions with  
18 regard to the use of chemical agents last  
19 summer; is that right?

20 CHIEF McMURRAY: Yes, sir.

21 MR. SHARMAN: Okay. All right.  
22 In the middle of the first page, which is  
23 HPD 2467, there's paragraph 7 called

1 "approved agents," and it says, "The  
2 following named chemicals are authorized  
3 for use in all hazardous confrontations  
4 where chemical agents are to be employed."  
5 And then it lists four approved agents.

6 Do you see where I'm reading  
7 that?

8 CHIEF McMURRAY: Yes, sir.

9 MR. SHARMAN: Is that accurate?  
10 Is that the four that are available to the  
11 department to use in such situations?

12 CHIEF McMURRAY: It says that if  
13 you're certified and trained that you have  
14 knowledge of those four. I have no  
15 knowledge of the "A" category. I don't  
16 know what that refers to. But absolutely  
17 "B," "C," and "D" are standard.

18 MR. SHARMAN: Okay. And Item B,  
19 Item C, and Item D are -- for all of us who  
20 are not chemistry majors -- CN, CS, and OC;  
21 is that right?

22 CHIEF McMURRAY: Yes, sir.

23 MR. SHARMAN: Which of those

1 three, if any, were deployed on June 1st  
2 and June 3rd?

3 CHIEF McMURRAY: The CS, category  
4 "C," which is a lacrimator that's asserted  
5 in a canister of smoke, and it attaches  
6 itself to the smoke and makes you cry,  
7 makes your nose -- makes you lacrimate.  
8 Lacrimator. Makes your eyes water, and it  
9 makes your nose run.

10 And then the category "D," OC,  
11 which is your pepper spray, and that's just  
12 a hot pepper spray. Every officer carries  
13 it on his belt, and we had it -- we used it  
14 on close contact to keep from going  
15 hand-to-hand.

16 Both of those are distance kind  
17 of irritants that keep the distance between  
18 you and the offenders. They were given  
19 direct orders by me. All the commanders  
20 were told this will not be a hand-to-hand  
21 situation. We are not going to fight  
22 anybody on the scene.

23 You will maintain your distance,

1 and you will usher them out of -- if this  
2 gets out of control, you will apply enough  
3 irritants that they will leave and go home,  
4 but we're not going hand-to-hand. Unless  
5 they charge through and fight you, you will  
6 not fight anybody. And that's -- those are  
7 the two irritants we chose to use.

8 MR. SHARMAN: And I'm sorry.  
9 Just to go over that. OC and what was the  
10 other one?

11 CHIEF McMURRAY: "C" and "D."

12 MR. SHARMAN: All right. So is  
13 it appropriate to employ CS and OC to  
14 disperse a crowd?

15 CHIEF McMURRAY: Yes, sir. If  
16 it's an unlawful crowd deemed unlawful and  
17 that's the least amount of force necessary  
18 to disperse the crowd, that is it.

19 MR. SHARMAN: All right. If  
20 you'll turn to the last page --

21 CHIEF McMURRAY: Let me make a  
22 correction. The HC is nothing more than  
23 smoke. Okay? I don't call it HC. I don't



1 -- certainly don't call it  
2 hexachloroethane. It's gray smoke. We did  
3 use it. We do use it. It's an inert  
4 chemical. I didn't -- I didn't recognize  
5 the hexachloroethane. I call that smoke.  
6 So I retract that. We absolutely used it  
7 as a warning device.

8 MR. SHARMAN: Thank you. If  
9 you'll turn to the last page at tab 8  
10 there, which is HPD 2470, the very last  
11 paragraph is numbered 16 and is entitled  
12 "After-Action Report." See where I am  
13 there? It's the very last page. Page  
14 numbers are at the bottom, so it's 2470.

15 CHIEF McMURRAY: Yes, sir.

16 MR. SHARMAN: So paragraph 16 on  
17 page 2470 says that, "The deployment of any  
18 chemical agent in an unusual occurrence  
19 will require the completion of an  
20 after-action report in accordance with the  
21 guidelines established in the directive on  
22 after-action reports. The reports shall  
23 specifically describe the agent used, the

1 methods of dissemination and delivery,  
2 concentration, and the decontamination  
3 procedures implemented."

4 As far as you know, were any such  
5 after-action reports prepared for any of  
6 the agents that we've been talking about?

7 CHIEF McMURRAY: Yes, sir.

8 MR. SHARMAN: Okay. Where would  
9 I go to find those?

10 CHIEF McMURRAY: I gave you a  
11 memo that listed every -- every one of  
12 these that was discharged on the 1st and  
13 the 3rd, and then I gave you after-action  
14 reports that were separate that reported on  
15 the use of them. And then anybody -- HEMSI  
16 handled the decon procedures of anyone who  
17 wanted to be decontaminated.

18 MR. SHARMAN: Okay. So you're  
19 saying there are after-action reports --  
20 other than the four we looked at a moment  
21 ago; that is, other than the two -- the  
22 pairs of blue team and memo form  
23 after-action reports, you're saying there's

1 an additional --

2 CHIEF McMURRAY: When I read the  
3 original after-action report, my commanders  
4 didn't list every piece of munitions  
5 expended. Okay?

6 So I contacted them, and I said  
7 your after-action report is incomplete.  
8 Send me another one, and I want a breakdown  
9 of how many rounds bean bags were  
10 discharged, how many foam batons were  
11 discharged, how many cans of OC were used.  
12 Did you use anything else? He said no,  
13 sir. That was it. One can of gray smoke.  
14 I said I want it listed.

15 So I gave you a list -- it was in  
16 that -- of everything that was used on --  
17 it was on one memo, June 1st and June 3rd.  
18 And so that was separate. It wasn't as put  
19 together as this, but I corrected that and  
20 made him go back and give me a memo and  
21 show me every --

22 MR. SHARMAN: And I'm just trying  
23 to make sure that we see everything

1 properly that's been provided. So you're  
2 saying that you believe that there is a  
3 separate document, other than what we've  
4 looked at already, as after-action reports  
5 that recites the information required in  
6 paragraph or contemplated by paragraph 16?  
7 Is that what I'm understanding?

8 CHIEF McMURRAY: Yes, sir. It is  
9 a memo that I provided to you by Captain  
10 Juan Joyner. It's less than two pages  
11 long. It listed June 1st and June 3rd.

12 MR. SHARMAN: And the binder  
13 you've got, Chief, I'm not claiming that  
14 that's -- that's certainly not every  
15 document y'all provided, so, I mean --

16 CHIEF McMURRAY: No. I know. I  
17 was just hoping I would stumble upon it  
18 here by looking through it. It -- I did --  
19 I did provide it to you, though. It's in  
20 -- it's in that --

21 MR. SHARMAN: And it's in a memo  
22 form?

23 CHIEF McMURRAY: Yes, sir. It's

1 from Captain Juan Joyner to me.

2 MS. HUNTLEY: From Captain who?

3 MR. SHARMAN: Joyner.

4 CHIEF McMURRAY: Juan Joyner.

5 And I can -- I -- I can resend it to you.

6 MR. SHARMAN: Okay.

7 MR. RILEY: That's J-O-Y-N-E-R.

8 MR. SHARMAN: I'll follow up with  
9 Trey if we can't lay hands on it. We'll  
10 figure it out.

11 CHIEF McMURRAY: Yeah. I did  
12 identify that as being lacking from the  
13 after-action report. It was just not  
14 enough detail, and I knew I was going to be  
15 questioned on it, so I made him write me a  
16 complete list, and then I used that list.

17 I sent it to internal affairs,  
18 and I said, you see these officers that  
19 shot this many rounds? I want you to  
20 review their body-worn camera. I want  
21 every use of force reviewed by internal  
22 affairs. And he did. So that's just how  
23 we review things.

1 MR. SHARMAN: All right. Let me  
2 turn your attention, Chief, to --

3 MS. HUNTLEY: One question. So  
4 this memo would identify the officer that  
5 deployed the irritant?

6 CHIEF McMURRAY: Yes.

7 MS. HUNTLEY: Okay.

8 MR. SHARMAN: Let me turn your  
9 attention, Chief, for a moment to the  
10 general topic of civil disturbances and  
11 orders to disperse, particularly with  
12 regard to the events of June 1st and 3rd.

13 First, with regard to June 1st,  
14 did you make the determination and  
15 declaration of an unlawful assembly?

16 CHIEF McMURRAY: I did after  
17 Sheriff Turner did. Right after he did. I  
18 handed the mic to him, he declared it, and  
19 then I took the mic because we're talking  
20 to two different groups: People on the  
21 courthouse, people on the street. Didn't  
22 matter. The sheriff had ultimate  
23 authority. He could have declared them all

1 from his authority.

2 I actually worked for him at that  
3 point. He's an elected official. I'm not.  
4 I'm appointed by the mayor. He is voted in  
5 county large. He has authority over me.  
6 He declared an unlawful event. I'm there  
7 to help you. I'm your chief of police.  
8 You may know me. This is an unlawful  
9 event. We're both telling you please  
10 leave, and then we continued to...

11 MR. SHARMAN: So did you make an  
12 independent determination yourself as to  
13 the lawfulness or unlawfulness of the  
14 assembly, or rather the sheriff having made  
15 and announced that determination, you  
16 essentially just followed form to that?  
17 Which one was it?

18 CHIEF McMURRAY: Yes.

19 MR. SHARMAN: Both or the latter?

20 CHIEF McMURRAY: Both. It's  
21 unlawful, unpermitted event. The roads are  
22 closed. We can't open them. The  
23 businesses can't consume business. This is

1 -- this is unlawful.

2 MR. SHARMAN: So -- and I'm  
3 sorry. Just want to make sure I  
4 understand. So you said the sheriff made  
5 the determination, and just prior to your  
6 announcement, he made the announcement, so  
7 obviously if he made the announcement, he  
8 had made the determination --

9 CHIEF McMURRAY: Yes, sir.

10 MR. SHARMAN: -- right? And you  
11 said, I believe, that he had authority to  
12 do so and had essentially expansive  
13 authority to do so even encompassing you  
14 should he find that appropriate in his  
15 discretion? Did I say that accurately?

16 CHIEF McMURRAY: Fair enough.  
17 Yes, sir.

18 MR. SHARMAN: Okay. All right.  
19 So setting aside the sheriff's  
20 determination of an unlawful assembly  
21 because he's not here for me to visit with,  
22 on what did you base your declaration --  
23 and, in particular, factually, what did you



1 base -- I'm not really asking for a legal  
2 analysis or opinion but just for the  
3 factual basis that led you to the  
4 conclusion this is an unlawful assembly?

5 CHIEF McMURRAY: No permit,  
6 blocking the road -- okay? Disorderly  
7 conduct. You're blocking the sidewalk.  
8 Disorderly conduct. You're screaming  
9 profanity, curse words, loud, boisterous.  
10 You're causing undue annoyance and alarm.  
11 As you look around the courthouse square,  
12 citizens have boarded up their windows.  
13 They've shut down. They're trying to  
14 conduct business. They can't. Okay?

15 Annoyance and alarm. Disorderly  
16 conduct. Inciting a riot. They've broken  
17 down -- on June 1st, they broke down the  
18 barricades. They're coming up the steps.  
19 I mean, I could go on and on, but just to  
20 put it as nicely as I can, this is an  
21 unlawful event. Okay?

22 This is not a sanctioned event.  
23 It's not permitted. You've been here for

1 90 minutes. We've been communicating with  
2 you through loud speakers right in front of  
3 you. And at one point, Sheriff and I even  
4 got on this -- even -- and asked them to,  
5 please, if you have any children here,  
6 which some of them did, please take them  
7 away from the event. This is not a place  
8 for you to bring infants and children.

9 We begged them. Please take the  
10 kids and the children away. This is no  
11 longer a permitted event. You need to come  
12 back, and we'll have another event on  
13 another day. Go down to the park. They're  
14 50 foot from a public park. They could go  
15 down there and have their event until  
16 midnight. Have it for three days straight.  
17 It's a public park.

18 You can't do that and infringe  
19 your privilege and right, constitutional  
20 rights, and take away the rest of the  
21 city's constitutional rights to drive on  
22 the road, to conduct business, or not be  
23 annoyed or alarmed or frightened like

1 they're currently doing that. This is an  
2 unlawful event. Okay?

3 Sheriff says it was. I said it  
4 was. The mayor tried to get them to leave.  
5 City council, county commission -- I don't  
6 know, you know -- it's quacking like a  
7 duck. Please, let's come back and do this  
8 or go down to the park or do something.  
9 Just let's -- let's open the city back up.

10 MR. SHARMAN: On either the 1st  
11 or the 3rd -- well, on both days, was the  
12 scenario just as you described; that is,  
13 the sheriff made his determination and  
14 announcement first, and then you followed  
15 on, or were the days different with regard  
16 to the declaration of an unlawful assembly?

17 CHIEF McMURRAY: They were not  
18 the same.

19 MR. SHARMAN: Okay. So the one  
20 we were just talking about where the  
21 sheriff made the determination first and  
22 then you followed on, which day was that?

23 CHIEF McMURRAY: The 1st.

1 MR. SHARMAN: So walk me back.  
2 What happened on the 3rd with regard to the  
3 declaration of an unlawful assembly?

4 CHIEF McMURRAY: So what you saw  
5 on the video was the incident commander on  
6 the ground, the -- over the -- he used the  
7 LRAD. Every two minutes, he gave: This is  
8 an unlawful event. It's unlawful assembly.  
9 You're -- you know, please leave the area,  
10 please. And you just heard that repeated  
11 every two minutes for I don't know how  
12 long, honestly, but it went on and on.

13 MR. SHARMAN: And I don't mean to  
14 interrupt you, but who made that -- on the  
15 3rd, now, not on the 1st. On the 3rd, who  
16 made that determination? Was that you or  
17 somebody else?

18 CHIEF McMURRAY: Sure. I  
19 supported that decision, yes, sir.

20 MR. SHARMAN: Well, I know you  
21 supported it, but did you make it?

22 CHIEF McMURRAY: Well, I was -- I  
23 was not -- I was not on the scene on the

1 3rd. I was up at the incident command on  
2 the 3rd, but --

3 MR. SHARMAN: So who made it?  
4 Who made the decision?

5 CHIEF McMURRAY: That would be --  
6 the tactical commander on the ground was  
7 Juan Joyner. The incident commander,  
8 again, was Ken Brooks at the IC, which was  
9 up in the NAMACC.

10 MR. SHARMAN: Did the sheriff's  
11 office on the 3rd also make a  
12 contemporaneous decision or declaration  
13 like they did on the 1st?

14 CHIEF McMURRAY: I would assume  
15 he did. He wasn't down with us. He -- he  
16 had more deputies up on the courthouse that  
17 day. He was able to bring in more people.

18 MR. SHARMAN: Okay. And you  
19 mentioned earlier incite a riot, which is a  
20 bit of a term of ours, but I guess it's not  
21 a layperson's term. Either on the 1st or  
22 the 3rd or both, before that determination  
23 of an unlawful assembly had been made, had

1 you concluded that a riot had begun,  
2 commenced, or you were being faced with  
3 one?

4 CHIEF McMURRAY: No. Inciting a  
5 riot is not a riot. It's disturbing the  
6 peace. I mean, there's lots of charges on  
7 the books for what was going on here.  
8 Unlawful assembly seemed to be just the  
9 easiest. Let's just go home and come back  
10 and do this the right way. Go down in the  
11 park, you know...

12 MR. SHARMAN: Okay. Because one  
13 theme -- I suppose is the right word --  
14 that we have gotten from some witnesses is  
15 that, look, yes, it was heated, vulgar.  
16 People were angry, but we weren't rioting.  
17 We weren't trying to riot. We weren't  
18 trying to incite a riot. Yet they say riot  
19 police were there in, essentially, a  
20 provocative stance. Obviously, you  
21 disagree with that, but why? Why is that  
22 wrong?

23 CHIEF McMURRAY: I don't disagree

1 with anything. The name of the protest,  
2 they were there to protest police  
3 brutality. When they started their march  
4 up to the courthouse, we weren't there. We  
5 were blocking the road off. You might see  
6 two officers sitting on the Alabama Bank  
7 steps. I saw them. And I said why are  
8 those Huntsville Police Officers sitting  
9 there?

10 I had nothing -- I had no  
11 intention of being provocative. I didn't  
12 even want to be visible. I'm watching this  
13 thing from a drone. They can't even see.  
14 Jack, we're not there. You know why those  
15 two cops were there? They were working a  
16 part-time job making \$50 an hour by the  
17 bank who didn't want to be looted. I  
18 didn't even know they were there until the  
19 event occurred.

20 You don't see any cops there  
21 except one block away where they're  
22 stopping cars from driving in and running  
23 over people. I was there to make it safe.

1 I knew what they were going to do. I  
2 provided them a one-block area in every  
3 direction where they could come out, march,  
4 and peacefully protest and say everything  
5 and vent, and they came out there. They  
6 laid on the ground. The burned an American  
7 flag -- one person burned an American flag.  
8 Just one. One person, I think, beat him up  
9 for it.

10 So you had those differing  
11 opinions going on within the crowd. You  
12 had all kinds of things going on inside the  
13 crowd. People with weapons we identified.  
14 We took out several people with weapons.  
15 Brought them out of the crowd. Captured  
16 their weapons. You had a lot of dynamic  
17 movement going on with 1500 people of high,  
18 high temperature. 48 minutes before it got  
19 out of control, and then I brought the IRT  
20 out of the parking garage.

21 So, yes, it's real easy to say --  
22 I mean, this -- the name of this protest is  
23 to police brutality. They don't like us



1 when they got there. Okay? Not us.  
2 Police in general. Nationally. I told  
3 you. We own this. George Floyd is on us.  
4 I don't deny that. I understood it, and I  
5 didn't want to be there. Okay? None of my  
6 officers wanted to be there, and we  
7 weren't.

8           It's a perfectly peaceful protest  
9 until it's not, and when it's not, it's  
10 time, place, and manner. When you're now  
11 disrupting the lives of everyone else in  
12 Huntsville who has the same right to that  
13 roadway, sidewalk, and business, you're  
14 shutting down their rights because you have  
15 no respect for time, place, and manner  
16 anymore.

17           And when you think your rights  
18 outweigh somebody else's rights, you need  
19 to take that grievance somewhere else and  
20 do not take it out on police. We're not  
21 there for that reason, and we weren't  
22 there, and if you go back and review the  
23 body-worn and the aerial drone footage, we

1 were not the instigators. Okay?

2 MR. SHARMAN: One more question  
3 policy-related on civil disturbances. The  
4 civil disturbances directive seems to  
5 contemplate a document called "The Unusual  
6 Occurrences Field Operations Guide." Does  
7 that ring a bell with you? Do you know  
8 what that is?

9 CHIEF McMURRAY: Yes, sir.

10 MR. SHARMAN: And what is that?

11 CHIEF McMURRAY: It's a roadmap  
12 to -- we give to sergeants who may find  
13 themselves in the position of supervising  
14 an unusual occurrence.

15 MR. SHARMAN: Is it a fixed  
16 document, or is it drafted or amended for  
17 each event and assignment?

18 CHIEF McMURRAY: No. It's an  
19 outline. It's just a basic outline.  
20 It's...

21 MR. SHARMAN: So it doesn't  
22 really change from one event to another?

23 CHIEF McMURRAY: No. It's a

1 training tool that we use when you're  
2 promoted to sergeant. We kind of go over  
3 those procedures with you, and so -- over  
4 some of your things you have in your  
5 readiness and you can use as a supervisor.

6 MR. SHARMAN: Does it -- and I  
7 know you don't have it in front of you.  
8 Does it include things like handling civil  
9 disturbances?

10 CHIEF McMURRAY: Generically,  
11 yes, sir.

12 MR. SHARMAN: And where would  
13 that document reside in the department?  
14 Who would have that, or where would it be?

15 CHIEF McMURRAY: It would be  
16 within our -- probably our written  
17 directive policies and procedures.

18 MS. HUNTLEY: Chief, can I go  
19 right back to what you were saying about --  
20 as y'all had your discussion about the  
21 declaration of the -- of it being an  
22 unlawful assembly. You described the  
23 roads, people being on the road, so that

1 was preventing traffic. You described  
2 people being on the sidewalk and being loud  
3 and using profanity and those things, which  
4 you described as disruptive.

5 What I'm asking is was there any  
6 violence going on during that time? There  
7 was clearly those things you described of  
8 chanting and maybe using profanity and  
9 occupying public road space and sidewalks  
10 that might have impeded the ability to have  
11 regular business activity downtown, but was  
12 there any violence?

13 You said there was a burning of a  
14 flag and a fight between an individual who  
15 didn't like the individual burning the  
16 flag, but were any of the people that were  
17 there being violent?

18 CHIEF McMURRAY: There's so  
19 many -- so violent toward each other, I  
20 mean, there -- occasionally a fistfight  
21 would break off. Nothing serious. We  
22 never intervened in any of that. Threats  
23 of violence? Absolutely. Okay?

1                   Violence toward us? Well, we  
2 weren't there at first. What are they  
3 going to be violent with? First, they tore  
4 down the barricades and were coming up on  
5 the sheriff's department personnel. They  
6 were extremely concerned and asking for me  
7 to come up on the courthouse and help back  
8 them up.

9                   MS. HUNTLEY: So this is June 1?

10                  CHIEF McMURRAY: That was June 1.

11                  June 3rd -- I mean, define  
12 "violence." Violence toward -- how -- are  
13 they destroying anything? We took away  
14 everything they could possibly destroy in  
15 the immediate area, and we tried to make  
16 sure -- so was the temperature escalating?  
17 Were they getting more and more excited?  
18 Yes. Were they refusing to leave? Yes.  
19 When we tried to talk to them and ask them  
20 to leave, that -- they became extremely  
21 violent toward us.

22                  MS. HUNTLEY: By "violence," as  
23 in physical?

1 CHIEF McMURRAY: Agitated with  
2 us.

3 MS. HUNTLEY: Verbally?

4 CHIEF McMURRAY: Yes. So, you  
5 know, did we agitate them? No. Did we  
6 have a discussion with them? Did we try to  
7 communicate with them? Yes. We -- we  
8 finally come out there and said we need to  
9 clear the roads and get on with business  
10 and come back. No. They're there to  
11 protest us. Okay?

12 And so it's really easy to blame  
13 us for trying to communicate with them to  
14 leave, but if you don't, then you're going  
15 to have to shut down the city and just let  
16 them go.

17 MR. SHARMAN: So -- but what I'm  
18 trying to get to, to the get the factual  
19 picture of what was going on. So it's  
20 pretty clear that on June 1, you're saying  
21 when the barricade came down and the  
22 sheriff asked for assistance, it was time  
23 to disperse the crowd using the least

1 amount of force as possible but to shut it  
2 down.

3 So what I'm asking about on  
4 June 3rd is you had already made the -- but  
5 what was -- was there any -- you said  
6 inciting a riot. Was there any throwing of  
7 anything in any windows? Any doing things  
8 to attempt to damage property? Was any of  
9 that observed on June 3rd?

10 CHIEF McMURRAY: Prior to us  
11 coming out and demanding they leave?

12 MS. HUNTLEY: Uh-huh.

13 CHIEF McMURRAY: I mean, not to  
14 my knowledge.

15 MS. HUNTLEY: Okay. What about  
16 what you came out demanding that they  
17 leave?

18 CHIEF McMURRAY: It became very  
19 contentious.

20 MS. HUNTLEY: In what way? Can  
21 you describe that to me? And I know I'm  
22 asking you again --

23 CHIEF McMURRAY: Throwing water

1 bottles at us, ice water bottles, throwing  
2 objects at us, running at us, calling us,  
3 you know, the same, you know, obscene  
4 profane things you've heard on the body  
5 camera. The chants became more and more  
6 violent.

7           You know, what started out as no  
8 justice, no peace turns into F12 and all  
9 this kind of thing, and they're just -- and  
10 then the organizers start handing out  
11 objects to each member there. Glasses.  
12 Looked like -- looked like goggles or  
13 something they were passing out getting  
14 ready for a fight. And just became very,  
15 very hard to control the temper of the  
16 crowd. It was getting out of control.

17           MS. HUNTLEY: So from a timeline  
18 perspective, you had -- and I'm on June 3rd  
19 now. You had the rally down in the park.  
20 Then they went up the steps to the  
21 courthouse square to do a march that you're  
22 saying you basically allowed, even though  
23 technically there wasn't a permit for.



1           So they do the march around the  
2 square, and there's -- and at that time,  
3 there's an announcement to disperse or  
4 that, at this point, it's time for  
5 everybody to go home, you're telling me  
6 that there wasn't any actual violence or  
7 rioting going on at that time. It was just  
8 your determination based on -- and I'm  
9 using your words -- we needed to open the  
10 roads back up. We needed to clear the  
11 sidewalk so business activity could resume.

12           At this point, it was time to let  
13 people go, but there wasn't rioting or this  
14 agitation until you-all had the contact  
15 with the individuals that you were  
16 instructing to leave the area?

17           CHIEF McMURRAY: Yes. So they  
18 were not peaceful. The peaceful protesters  
19 start dwindling out after the event was  
20 over. A lot of them come up and walked  
21 around the courthouse, had their assembly.  
22 A lot of them laid down on the road. A lot  
23 of symbolism going on there. I'm glad we

1 could provide them time, place, and manner  
2 to vent.

3 Had I been on the front end of  
4 the conversation about the time  
5 discrepancy, I felt like I owed it to them  
6 anyway because, you know, there was some  
7 misunderstanding about the time. I --  
8 let's give them the time. Okay? Let's  
9 give them the time, place, and manner. I  
10 brought in extra people. Let's give the  
11 time, place, and manner. I went above and  
12 beyond and just let them have -- let them  
13 vent and let them talk and let them get it  
14 out.

15 On the 1st, there was a lot of  
16 anger about the statue. On the 3rd, it was  
17 a different dynamic. They had no focus on  
18 the statue whatsoever. It was all  
19 antipolice. And those people that -- from  
20 the NAAC [sic] rally, almost every one of  
21 them had left by 6:30 or 7:00. Only people  
22 I had left were people just so angry they  
23 couldn't tolerate anything else. They

1 couldn't say a sentence without a curse  
2 word.

3           That's not the time, place, and  
4 manner to do it. There's no permit.  
5 There's no need to let you stand on the  
6 middle of the street and block citizens  
7 from using businesses and using curse words  
8 and screaming profanity. Unlimited amount  
9 of time. I let them have it for 90  
10 minutes. The sheriff had 90 minutes.

11           We don't have the manpower to go  
12 beyond this. It's about to get dark. My  
13 officers are exhausted. His officers  
14 exhausted. Time, place, and manner and  
15 patience is outrageous. Were they -- were  
16 they peaceful protestors at that time?  
17 Absolutely not. Were they violent? We  
18 don't let them get violent with us. Okay?

19           That was my orders. Do not go  
20 hand-to-hand. Do not accept violence. I'm  
21 going to irritate them to get out of here  
22 and go home, and that's what we did. We  
23 used enough irritants to go home, and we

1 displaced them, and they went home and did  
2 what we asked them to do. Come back  
3 another time.

4           And since the June 3rd, I showed  
5 you an event in my speech to the city  
6 council. They came back again. Completely  
7 different environment. They obeyed all the  
8 laws. There were no threats. They  
9 cooperated. They had organizers that took  
10 charge. They were very controlled. And we  
11 helped them manage the crowd.

12           We helped -- we marched with  
13 them. I put officers in the crowd in  
14 uniform marching with them. It's what we  
15 give our life for is justice. That's our  
16 goal in life too.

17           MS. HUNTLEY: Do you attribute  
18 any of that on June 3rd to this -- and I'm  
19 just using your words -- this  
20 miscommunication about how long they were  
21 supposed to be there and what time it was  
22 supposed to end?

23           CHIEF McMURRAY: No. I think

1 that was an afterthought. The City gave  
2 them adequate time, space, and manner --

3 MS. HUNTLEY: I'm talking about  
4 from the protesters. Do you --

5 CHIEF McMURRAY: No.

6 MS. HUNTLEY: -- think there was  
7 a misunderstanding for them about --

8 CHIEF McMURRAY: No. Certainly.  
9 And even the NAACP was ready to go home at  
10 5:30. No. There was no -- there was no  
11 violence toward us for that, but we  
12 certainly understand they want a march, and  
13 I -- you know, after talking to my SOD  
14 commander and the miscommunication that we  
15 had with -- between the state and the  
16 county presidents, let's just let them get  
17 up here and march and see if they'll go  
18 home, and they wouldn't, so --

19 Actually, the NAACP people did go  
20 home, if you want to know the truth of it.  
21 Most of them there that was there for  
22 peaceful protest did go home. The people  
23 that remained were the -- one -- the most

1 angry people who just would not go home.

2 MS. HUNTLEY: And, like I said,  
3 it's clear that there was some  
4 misunderstanding, not attributing fault to  
5 whoever it was, about the time and when it  
6 was supposed to end. When you were  
7 communicating with the NAACP organizers,  
8 did you put them on notice about your  
9 anticipation of numbers, concerns about  
10 outside agitators? Was there any sort of  
11 communication with them about --

12 CHIEF McMURRAY: No. A lot of --  
13 a lot of my discussions were definitely the  
14 numbers. For instance, that -- a lot of  
15 that come from them. They anticipated  
16 those numbers. We -- we were guessing 1200  
17 was the numbers we were prepared to, and we  
18 knew our venue would hold 2,000, so we were  
19 well within the safety limits of the area.

20 MS. HUNTLEY: So was that from  
21 them in terms of a communication you had  
22 with them or from what you told us earlier  
23 about looking at their social media traffic

1 and --

2 CHIEF McMURRAY: It's a  
3 combination, yes.

4 MS. HUNTLEY: Sorry to interrupt.  
5 Just wanted to clear that up.

6 MR. SHARMAN: One more question,  
7 and then I'm going to ask our chair to see  
8 how she wishes to proceed.

9 The Madison PD Officers stationed  
10 top of the building, who was responsible  
11 for them, or how were they managed or -- I  
12 mean, were they subject to your authority  
13 or the sheriff's, or how did that work?

14 CHIEF McMURRAY: Everything in  
15 the courthouse was the sheriff handled all  
16 that.

17 MR. SHARMAN: So even though they  
18 were Madison Police Department personnel,  
19 if they were stationed on the courthouse or  
20 the courthouse roof, they would be subject  
21 to his command essentially?

22 CHIEF McMURRAY: Right. To my  
23 knowledge, Chief Jernigan was not there.

1 He was their chief of police. So, like I  
2 said, a sheriff can assume operational  
3 control over any sworn officer in his  
4 county if he wants to because the citizens  
5 elect him for that. But, typically, he  
6 does handle everything through his  
7 deputies, but if he needs any help, we'll  
8 come help him as will any sworn officer  
9 come to the assistance of another officer.

10 MR. SHARMAN: All right. Well,  
11 Chief, thank you very much for your time.  
12 I appreciate it, and I know this took you  
13 away from other duties.

14 So, Madam Chairwoman, I defer to  
15 you to --

16 MS. GUERRIERI: Okay.

17 MR. SHARMAN: -- do as you see  
18 appropriate.

19 MS. GUERRIERI: Okay. At this  
20 point in our interviews, we'd normally then  
21 ask our own questions of the chief. So if  
22 anyone has questions?

23 MR. SHARMAN: And let me ask one



1 more time: Anybody asking questions, if  
2 you would just, for Brooke, identify  
3 yourself again and then keep your vice nice  
4 and up.

5 MR. OLSHEFSKI: Roger that. I'm  
6 John Olshefski.

7 First of all, I think this has  
8 been very enlightening, Chief. I'm sad  
9 they had to put you through all this, but  
10 at the same time, today -- because we've  
11 watched -- all of us have watched a lot of  
12 stuff and seen it, but I'm glad I came  
13 today for one reason, one major reason,  
14 because who's in charge?

15 I learned today, and I'm not  
16 trying to put words in your mouth, but the  
17 overarching guy in charge was -- is the  
18 sheriff, and you are -- you fall under his  
19 command and control on this event. And you  
20 had the ground. He chose you to have the  
21 ground, and he chose the courthouse. Am I  
22 saying that correct?

23 CHIEF McMURRAY: We do have that,

1 and if -- if an event is scheduled to  
2 happen on the courthouse square, they have  
3 to go through the county courthouse and get  
4 a permit. But if it's outside of the  
5 courthouse parameters, they would get the  
6 permit through the City of Huntsville  
7 Police Department, yes, sir.

8 MR. OLSHEFSKI: So they didn't  
9 have a permit for the courthouse?

10 CHIEF McMURRAY: They did not.

11 MR. OLSHEFSKI: Okay. Just  
12 wanted to make sure.

13 So as we've watched this turmoil  
14 now since June, those of us on this -- on  
15 this committee and -- I mean, on this  
16 council and then also those that we  
17 represent in our communities have been  
18 frustrated -- I would -- I'm not speaking  
19 for you guys, but I'm going to say how I  
20 think --

21 The rubber-bullet thing has drove  
22 people the most craziest of everything, the  
23 rubber bullet. And I've learned today -- I

1 knew all along because you said it up front  
2 that the rubber bullets were not in your  
3 inventory but yet you keep getting slammed  
4 for the rubber bullets that aren't in your  
5 inventory. And even though it says in that  
6 book there that rubber bullets at one time  
7 many years ago might have been in your  
8 inventory, the rubber bullets are not in  
9 your inventory.

10 So the nastiest shots we saw of  
11 anything during this -- during this event  
12 have been from the rubber bullets that your  
13 guys didn't shoot. So it came from another  
14 whole world that's not you. All right? I  
15 just want to make sure that's clear because  
16 the only people -- the only thing that's  
17 happening around here is they're coming  
18 after our city chief of police.

19 They're not out -- nobody is  
20 chasing down the Sheriff of Madison County.  
21 They're coming after -- this whole thing is  
22 about you and how your staff worked, and  
23 your staff who shot no rubber bullets. I

1 just want to make sure I hear that again.

2 CHIEF McMURRAY: That's correct.

3 We did not.

4 MR. OLSHEFSKI: Okay. It is not  
5 uncommon for a couple of us to slip in this  
6 -- that's in this room, John, my brother  
7 here, we understand command and control,  
8 and we understand attached. I don't -- I  
9 didn't hear that word, but we understand  
10 all those things. We understand that you  
11 were the ground guy.

12 Today -- I learned today that  
13 ALEA -- ALEA fell under you because you  
14 asked them to come, so you put them in your  
15 areas where you wanted them to be, which  
16 that's the way it is, and I want to make  
17 sure that was right. You were the one that  
18 asked for ALEA to come?

19 CHIEF McMURRAY: That's correct.

20 MR. OLSHEFSKI: And I -- so from  
21 that --

22 And then another thing I'm  
23 hearing from the public, Chief, and I'm

1 hearing this national now, and some folks  
2 that I know very well nationally are making  
3 this claim that, oh, police officers are  
4 looking like U.S. military forces.

5 I am under the opinion from the  
6 pictures I've looked at our police officers  
7 look like police officers: Black, helmet,  
8 gear, all of the above and the green --  
9 some greens involved, but none of them look  
10 like camouflaged soldiers from Fort Hood,  
11 Texas, or trying to be something that --  
12 they're police officers, not U.S. armed  
13 military forces. I'm asking that question.

14 CHIEF McMURRAY: Yes, sir.

15 MR. OLSHEFSKI: The answer is  
16 that we don't look like soldiers. We look  
17 like military -- I mean, police officers  
18 that are geared up with their masks and all  
19 of the above, correct?

20 CHIEF McMURRAY: It's unfortunate  
21 that when you put on defensive equipment to  
22 keep you from getting harmed, it looks  
23 offensive, but it's not. The plastic suits

1 they wear, the helmets and the -- you saw  
2 one of my officers received head trauma.  
3 He didn't have a helmet.

4 And if you see my after-action  
5 report, one of the actions we recommended  
6 was to provide helmets so that every  
7 officer could have a hard hat in his car if  
8 needed because our perimeter officers  
9 didn't have hard helmets, and as a result,  
10 some of them were injured because, as the  
11 crowds moved away, they actually attacked a  
12 few of my officers.

13 They broke out their windshields.  
14 They threw things at them, and my officers  
15 weren't protected. And it is unfortunate  
16 that defensive equipment to keep us safe  
17 looks offensive, but, you know, sometimes  
18 it's that way. It's just -- it's to  
19 protect those officers.

20 MR. OLSHEFSKI: And I agree with  
21 you, Chief, on that piece. I'm just asking  
22 they weren't wearing -- your police  
23 officers were not wearing Army Kevlars and

1 were not wearing camouflage -- what do we  
2 call them today? ACUs, Army combat  
3 uniforms. Your guys were wearing their  
4 normal --

5 CHIEF McMURRAY: That was their  
6 duty uniform.

7 MR. OLSHEFSKI: -- duty uniform  
8 of the day. So they looked and were  
9 Huntsville Police Officers?

10 CHIEF McMURRAY: Yes, sir.

11 MR. OLSHEFSKI: Okay. I've just  
12 got to come back to this one more time  
13 because if I -- when I came in here today,  
14 I was concerned of command and control. I  
15 really was. Not your command and control,  
16 but the whole event's command and control.

17 And I learned today that the  
18 overall chain -- command and control of  
19 this is the sheriff, and I -- and you did  
20 explain elected versus appointed, and you  
21 know -- you've known me for a while now. I  
22 very well understand elected versus  
23 appointed. But if the sheriff -- and I

1 don't know if I want to ask this this way,  
2 but the sheriff says he thinks this is --

3 We kept referring to it, Jack, as  
4 an unlawful event. Was that the word we  
5 were using?

6 MR. SHARMAN: An unlawful  
7 assembly.

8 MR. OLSHEFSKI: An unlawful  
9 assembly. He's saying that, and you're  
10 concurring with that. I mean, you're  
11 concurring with that? If he wasn't calling  
12 it unlawful, you probably would still be  
13 making recommendations and calling it  
14 unlawful, but you're under his arm on that,  
15 correct?

16 CHIEF McMURRAY: That's correct.

17 MR. SHARMAN: So -- all right.  
18 So when this is all said and done -- I'm  
19 speaking for me now, not this committee --  
20 this should be a not just Chief McMurray  
21 sitting right there getting asked these  
22 questions. There should be Sheriff sitting  
23 here getting asked these questions as well,



1 and that's the part of it I think has been  
2 a -- I think this has been the eye-opener  
3 to me, and I appreciate your -- your  
4 answering my questions today.

5 MR. LOVE: I have a couple of  
6 questions, and these are just very simple.  
7 My name is Willie Love. The first thing,  
8 Chief, were there any persons arrested,  
9 and, if so, how were they disposed?

10 The second question I have is to  
11 ask if -- about any injuries to officers,  
12 if there were any injuries to the officers,  
13 and did any of them have to go to or seek  
14 medical treatment?

15 CHIEF McMURRAY: Okay. So two of  
16 my officers did receive some light  
17 injuries. No medical treatment required.  
18 We took pictures of it, and I showed,  
19 during the presentation, what the officers  
20 without the helmets suffered some head  
21 injuries, abrasions, and bruising to the  
22 head on some objects thrown at them.

23 What was your first part of your

1 question?

2 MR. LOVE: Arrests.

3 CHIEF McMURRAY: Okay. On  
4 June 1st, two people were arrested for  
5 illegal weapons at a demonstration. Even  
6 if you have a permit to carry, you cannot  
7 carry a weapon at a protest or  
8 demonstration. It's state law.

9 We caught several of them doing  
10 that. We missed a few. We think they were  
11 carrying weapons. We couldn't get to them  
12 in time. They got away from us, but we  
13 were -- we were walking through the  
14 observation and surveillance protocols of  
15 what we can and cannot do on the 1st.

16 On the 3rd, we got a little bit  
17 better. We got some more weapons charges.  
18 A total of, I think, two were arrested on  
19 June 1st for weapons, and that was it. We  
20 let everyone else assemble and go, you  
21 know --

22 On the 3rd, we tried to get  
23 everyone to their cars. There was a small

1 group of violent young people that went  
2 down in the park continually combatting us,  
3 throwing things at us, and with the help of  
4 a few ALEA people, we were able to surround  
5 about 40 of them, and when we did, they  
6 looked around and saw I'm going to go to  
7 jail, and they started running.

8           Between our officers, we just let  
9 them go. 20 of them stood their ground,  
10 sat in the middle of Monroe Road and shut  
11 the road down. They went to jail for  
12 disorderly conduct for blocking a road, 20  
13 of them. One of them had a pistol in her  
14 possession. Okay? Just -- so she had a  
15 multiple charge.

16           Everyone was interviewed by the  
17 FBI when they got down to metro jail. No  
18 international terrorists. No out-of-state  
19 terrorists. They were all Madison County,  
20 North Alabama young kids venting. So they  
21 were released on those simple misdemeanor  
22 charges.

23           Some more weapons charges on

1 people that night, probably two. And then  
2 we arrested two people in the parking  
3 garage for stealing fire extinguishers that  
4 they were running back to the event. They  
5 went out to get a fire extinguisher to come  
6 back and to get the officers and to spray  
7 us and to then throw them at us, and we  
8 captured them actually in the parking  
9 garage because of our surveillance cameras  
10 that we had in the parking garage as part  
11 of the coverage system we have of Downtown  
12 Huntsville.

13 We actually saw them breaking  
14 into it, and we caught them before they  
15 left the parking garage red-handed, and we  
16 arrested them for theft. So that's kind of  
17 a breakdown of the arrests. Not a big -- -  
18 not a lot.

19 MR. LOVE: Thank you, Chief.  
20 Very thorough. Very thorough. I learned a  
21 lot here today too.

22 MS. McCULLEY: Shelly McCulley.  
23 One of the people that came to our open

1 forum made a comment to the drone usage  
2 that it was not lawful, they were not  
3 permitted -- licensed. Excuse me -- for  
4 use. Can you tell us whether they were or  
5 were not on those days?

6 CHIEF McMURRAY: Wow. I'm going  
7 to keep this short. There's a company in  
8 Huntsville called enrGies that trains and  
9 certifies the drone operators for the ICE  
10 agents on the border. They're the top  
11 technology licensing agent in the country  
12 for the federal government.

13 As a courtesy to us, they trained  
14 and licensed all of our drones, and they  
15 taught us how to work under what's called a  
16 COA, a certificate of area. You're only  
17 licensed to operate a drone if you own --  
18 through the FAA, you have to apply and be  
19 granted an operational control within that  
20 area 400 foot and less. We operate under  
21 two COAs.

22 We have two federal licenses to  
23 operate our drone team. We have ten

1 operational drones. We have ten federally  
2 licensed pilots. I think some of the  
3 people who know a little bit about drone  
4 operation will try to make deals. As long  
5 as the drone is not directly flown over the  
6 top of the crowd -- and when you watch our  
7 drone coverage, you'll see how there's  
8 always an angle.

9           Most of our drones sat on top of  
10 buildings and looked at the crowds at an  
11 angle, and the reason they do that is  
12 because we try not to fly on top of the  
13 people because that -- you do commit  
14 violations if you -- because that -- you do  
15 commit violations if you -- because it can  
16 -- it can fail and actually fall and hit  
17 and hurt somebody. And so, yeah, they are  
18 trained. They are federally compliant.

19           I'm sorry for the large  
20 explanation. I'm very proud of Alabama's  
21 largest drone team. They do a very good  
22 job. They have more drone training hours  
23 than the customs agents who use them every

1 day. Our team trains all the time. We  
2 equip them in go-boxes. They carry them in  
3 their trunks, and they deploy them any time  
4 they need them. And if it's a slow day,  
5 they get them out and train with them.

6 MS. McCULLEY: Also there was --  
7 in the open forum, there was question made  
8 where we were led to believe there was an  
9 assault made to a protester by officers.  
10 Do you know of any truth to that?

11 CHIEF McMURRAY: I do not.

12 MS. McCULLEY: Okay. Because  
13 this was done by a couple of officers to a  
14 young black female, best I remember.

15 Ms. Lucy Lou --

16 MS. GUERRIERI: Yeah.

17 CHIEF McMURRAY: That's the first  
18 time I've been made aware of that  
19 complaint.

20 MS. McCULLEY: -- made that  
21 comment.

22 CHIEF McMURRAY: Okay. I wonder  
23 if she was arrested.

1 MS. McCULLEY: She was -- this  
2 individual was speaking for her because she  
3 was afraid to come to the forum, so I don't  
4 know if that -- that's why I'm asking.

5 MS. GUERRIERI: Right.

6 MR. LOVE: I think this was like  
7 a sexual assault, wasn't it?

8 MS. McCULLEY: Well, it said --  
9 she made comment that this female was --  
10 her clothing was -- was removed by the  
11 officers. Now, whether or not it went  
12 further than that, I think you would have  
13 known.

14 CHIEF McMURRAY: Yeah. That's  
15 the first I've heard of it. Thank you for  
16 telling me. I'll -- we don't have a  
17 documented complaint on the 1st or 3rd yet.

18 We did shoot some people with  
19 bean bags. Bean bags hurt. I really  
20 expected to see complaints along that line.  
21 Our rules of engagement are very simple:  
22 Nobody gets a bean bag unless they're  
23 assaulting you or preparing to assault you.



1 That means if you're reaching down to pick  
2 up a rock and throw it back at a police  
3 officer, you're probably going to get a  
4 bean bag. Go on. Go home.

5 If you're -- if you're throwing a  
6 water bottle at an officer, probably going  
7 to get a bean bag. Go home. Other than  
8 that, we don't launch those bean bags on --  
9 for fun. They're only to distract and  
10 disrupt some kind of behavior on your part.

11 MS. McCULLEY: Did you ever get a  
12 full count of how many businesses were  
13 damaged due to --

14 CHIEF McMURRAY: Yeah. It was  
15 very light. It was one -- I think The  
16 Kaffeeklatsch had a broke window and maybe  
17 a cracked window on a bank, but I couldn't  
18 get verifications on it. It was very  
19 light.

20 MS. McCULLEY: Okay.

21 CHIEF McMURRAY: I think total --  
22 property damage, we suffered the worst with  
23 a couple of cracked car windows and things

1 like that, some damage to police cars,  
2 which is almost routine when you're  
3 operating 600 cars.

4 MS. McCULLEY: So with that being  
5 said, with a show of force that we had:  
6 Police, sheriff, ALEA. We saved our city.  
7 You saved our city.

8 CHIEF McMURRAY: Well, I --

9 MS. McCULLEY: Compared to what  
10 everybody else had.

11 CHIEF McMURRAY: I don't want to  
12 say it was preemptive. We -- we tried very  
13 hard to coordinate our efforts and work  
14 with them, so -- and we gave a lot of  
15 patience and tried to work them through,  
16 but, unfortunately, our resources were  
17 expiring as was daylight.

18 MS. McCULLEY: Right.

19 CHIEF McMURRAY: And everywhere  
20 we've learned across this country, as it  
21 gets dark, they divide up. The forces  
22 divide up, and it becomes very hard to  
23 control the environment. I didn't have the

1 resources, neither did the sheriff, to  
2 start that type of hunt-and-see throughout  
3 Downtown Huntsville.

4 We just needed to go home. Come  
5 back another time. And so as the officers  
6 left that area, we spread them out, and we  
7 worked the whole rest of the evening  
8 covering 240 square miles to make sure the  
9 rest of Huntsville was safe.

10 MR. REITZELL: I'm John Reitzell.  
11 Chief, would you agree with this statement  
12 because I think there's some discussion  
13 and, perhaps, who has an interesting  
14 direction.

15 Information is information.  
16 Information does not become intelligence  
17 until it's analyzed. It's analyzed by  
18 people, maybe some equipment, but generally  
19 speaking, it's analyzed by people who have  
20 the experience in analyzing information and  
21 determining whether it's intelligence  
22 that's actionable.

23 CHIEF McMURRAY: Right.

1 MR. REITZELL: Do you agree with  
2 that?

3 CHIEF McMURRAY: I -- I agree.  
4 So just because we have an intel center  
5 doesn't mean we get a lot of intelligence  
6 coming in there. We get a lot of  
7 information. It goes through a threat  
8 assessment process, and we determine how  
9 actionable it is. Yes, sir.

10 MR. REITZELL: There's a lot of  
11 experience here with that?

12 CHIEF McMURRAY: Yes, sir.

13 MR. REITZELL: There was an  
14 accusation that you were tweeting to the  
15 press on June 1st and June 3rd; is that  
16 correct.

17 MR. LOVE: What now?

18 MR. BLAIR: That the chief  
19 himself was?

20 CHIEF McMURRAY: No. I'm not  
21 even an authorized tweeter. I have a -- I  
22 guess my very verbiage explains that to  
23 you, validates my ignorance. I have a PIO

1 who does that through me, so I authorize  
2 Twitter to keep people updated on  
3 activities, and if you're a Facebook,  
4 Twitter, Instagram, we try to keep that  
5 communication with our community flowing.

6 So is there a specific post  
7 that...

8 MR. REITZELL: It was a -- it was  
9 alleged that you were -- or your PIO was  
10 using tweets, twitters, whatever they are,  
11 to inform the press that there were groups  
12 from outside of Huntsville that were there,  
13 that Black Lives Matter was there and so  
14 forth, but so what -- obviously you're  
15 using a PIO to project information that may  
16 be useful in the press. Would that be  
17 fair?

18 CHIEF McMURRAY: Yes, sir. But I  
19 deny that I used any of those posts to --  
20 as a psychological-warfare type of threat  
21 to alert people that this was going to be  
22 bad. In fact, I would challenge anyone,  
23 because if I -- if any of those posts were

1 made from the Huntsville Police Department,  
2 they still exist. They don't go away.

3           And if anyone can find a post  
4 that my PIO did alleging that there was  
5 going to be a problem in Huntsville, I need  
6 to know about that because somebody just  
7 called me Donald Trump, and I don't like  
8 it, and we need to get that straight. I  
9 don't work that way. Ours are very  
10 positive information. We don't -- we don't  
11 use it for threats.

12           Now, that's a good question  
13 because city council wanted to know why  
14 didn't I -- why didn't I tell everybody in  
15 Huntsville what was about to happen? Why  
16 didn't I warn them? Warn them of what? We  
17 never -- other than the crowd size and we  
18 knew what was going on in other cities and  
19 we had a bunch of chatter of violence, that  
20 was not actionable intel, folks. That was  
21 information. Okay?

22           I couldn't validate that any of  
23 this was going to happen. That's why I

1 didn't warn anybody, but I was prepared,  
2 which is what I get paid to do. Be  
3 prepared.

4 MS. HUNTLEY: I don't mean to  
5 interrupt the CAC, but so you talked about  
6 determining a threat assessment based on  
7 information that, I guess, could become  
8 intel. As to the threat of outside,  
9 potential threat of outside agitators, how  
10 had y'all assessed it? What level had you  
11 given it?

12 CHIEF McMURRAY: I'm trying keep  
13 this short for you, but there's so many  
14 levels of intel that we worked coming up to  
15 this operation. It's hard for me to -- one  
16 police officer was coming to work one --  
17 the morning before the June 1st and  
18 visually observed 23 cars with Georgia tags  
19 passing him. You're chief of police, one  
20 of your officers says he visually saw 23  
21 cars coming in from Georgia at the same  
22 time before June 1st.

23 What do you do? It's just

1 information. What we did? We drove around  
2 every hotel in Madison County to see if we  
3 could validate that they're staying in  
4 Madison County. That's all we could do.  
5 Guess what? We never found those cars  
6 staying here. Apparently they drove  
7 through Huntsville and kept going. But it  
8 was intel. Was it? No. It's just  
9 information.

10           What did you do? What did you  
11 do? When did you do it, and why? That's  
12 -- that's me. I'm on the hot seat. Every  
13 bit of information, I have to do something  
14 with it. We got information that in other  
15 cities in Alabama, the hardware stores were  
16 being bought out by throwable objects,  
17 bricks, and caustic acid. So? You're  
18 really telling us that? Chief, you now  
19 know that that's a threat.

20           What do you do? What are you  
21 going to do? Elizabeth, I called every  
22 hardware store in Madison County for the  
23 next two days. Did full inventories and



1 even got a call back that somebody just  
2 bought 24 gallons of acid in Huntsville. I  
3 went and found out who did that. He's a  
4 contractor that does concrete cleaning, and  
5 he needed it for his job site.

6 I validated it, but now I've got  
7 people -- I'm checking everything that's  
8 coming into my office. Everything.  
9 Through NAMACC. That's why I have them.  
10 It's just information until it's not, and  
11 so these keep coming in. Chatter, threats,  
12 and we're working the problem as quick as  
13 we can. And it's just a constant,  
14 constant, you know -- because I'm going to  
15 be held responsible for that.

16 MS. HUNTLEY: But you testified  
17 -- I'm saying testified. I'm sorry. This  
18 is a conversation. I apologize. Lawyer  
19 hat.

20 So you told my colleague earlier  
21 that there was someone who had an Antifa  
22 flag that made a post, and in response to  
23 that post, other people started to

1 respond --

2 CHIEF McMURRAY: Right.

3 MS. HUNTLEY: -- saying things  
4 suggesting a threat of doing something. So  
5 how did you assess that potential threat  
6 based on -- was there a threat assessment  
7 made on that?

8 CHIEF McMURRAY: There was no  
9 action that could be taken on it because it  
10 was just conversation amongst some -- some  
11 people. How that -- how you know about it  
12 is because I got called a liar in front of  
13 city council. I got called -- people stood  
14 up and said a liar, that I wouldn't know  
15 information from intel if it hit me in the  
16 face. McMurray doesn't know what he's  
17 talking about.

18 People who have backgrounds in  
19 military intelligence were confronting me  
20 in front of city council, and they said,  
21 show us the evidence of one person with any  
22 knowledge of Antifa said anything, and how  
23 does that relate? Not only did I show them

1 three or four Huntsville citizens that are  
2 flying Antifa emblems, but I showed them  
3 their conversation, and I showed them how  
4 people responding to them got more violent,  
5 and I only showed you that to explain how  
6 Antifa works in this country.

7           There's no Antifa organization.  
8 It's a methodology of how they get Antifa  
9 followership. How do they disrupt? You  
10 cannot have anarchists having a rally to be  
11 disruptors. There's no -- there's no event  
12 in this country where anarchists and Antifa  
13 get together and have a protest. Did you  
14 know that? They don't do it.

15           You know how they do it? They  
16 attach themselves to a current protest,  
17 they find a cause, and they show up and  
18 become disruptors. I think that's what  
19 happened a great deal at the Capitol. I  
20 saw it happen in Portland and Seattle.  
21 Those started out as peaceful protesters  
22 with a vent. They need to express their  
23 first amendment.

1           Troublemakers attach themselves  
2 to those organizations. Sometimes they're  
3 anarchists. Sometimes they're Antifa  
4 sympathizers. How does -- how does Antifa  
5 work in our country? I went through a  
6 whole list of explanation of how young  
7 people sitting at their laptops chattering  
8 start posting and gathering followership  
9 informally. Not formally.

10           They're not Antifa. They're  
11 Antifa sympathizers, and they promote. I  
12 even showed you a chart of the 13 methods  
13 they used as a riot. Started back in China  
14 many years ago. I identified 10 of those  
15 13 threats in Huntsville. And how did they  
16 get so organized in Huntsville? There's no  
17 manual. They did it through social  
18 interaction on the internet informally, and  
19 then I showed you their talking.

20           MS. HUNTLEY: So you-all didn't  
21 do -- you talked about your levels of a  
22 threat. You didn't rank that in any kind  
23 of category?

1 CHIEF McMURRAY: No. The whole  
2 Antifa conversation was spurred by a person  
3 that called me a liar that I didn't know  
4 anything about Antifa. So you know what?  
5 I showed them a book to city council and  
6 said here's your Antifa. You go read about  
7 it because I've read the book. There's a  
8 whole -- there's a whole book of it.

9 And by the way, this is how they  
10 talk to each other. This is how your kids  
11 showed up at the rally with not a sign, not  
12 a cardboard sign, but they showed up with a  
13 piece of plywood holding the sign. You  
14 know why they use that? They use it  
15 against cops because they know they're  
16 going to get pepper balled, they're going  
17 to get shot with a bean bag, and so those  
18 are your frontrunners, your maze runners.

19 They show up with lasers to blind  
20 you and take out the drones. We didn't  
21 have that in Huntsville luckily. That's  
22 the one category that didn't show up in  
23 Huntsville. They show up at all the rest

1 of them. If you go look at Baltimore, if  
2 you go look at Detroit, if you look at  
3 Chicago, look at Washington, D.C., look for  
4 the green lasers. They're antipolice  
5 measures that they spread informally  
6 through social networking.

7 Antifa, that's their methodology.  
8 How do they spread it? They spread it  
9 through our kids and through getting online  
10 with them and telling them, hey, bring your  
11 first aid kit and your milk. Bring your  
12 first aid kit. We just want to help  
13 people. Why do you want to help people?

14 Because the police are going to  
15 fight us. They're going to spray us with  
16 pepper spray, and we need the milk so we  
17 can fight the police and we stay there.  
18 They're not violent kids. They don't even  
19 want to fight the police.

20 MS. HUNTLEY: Well, along that  
21 line, did you have any intel for  
22 anti-protester threat like maybe the Proud  
23 Boys or a white supremacist group saying

1 we're going to come down and face these  
2 Black Lives Matter protesters? Did you  
3 have any of that intel?

4 CHIEF McMURRAY: I did. Sure  
5 did. I played some of that for city  
6 council on audio. Guy called up and said  
7 he was some -- we haven't even -- I mean, I  
8 couldn't understand half of what he was  
9 saying. He had such an accent, but -- I  
10 don't call it an accent. I don't --  
11 hillbilly. Some --

12 But he was bad. I mean, he was  
13 -- black and gold or something he said. We  
14 don't even know who -- what kind of group  
15 he belonged to, but he said we're not going  
16 to put up with these protesters, and I'm  
17 going to come to Huntsville. I'm going to  
18 make sure that don't happen.

19 So we were looking out for the  
20 anti-protesters. We had to protect the  
21 protesters from the anti-protestors because  
22 of people like that calling and making  
23 threats to 911. We had some of that, and

1 I'll show you. If you walk into my NAMACC,  
2 you'll see social media scripting. Proud  
3 Boys is one of the groups we follow. We  
4 sure do.

5 And if they're talking in  
6 Huntsville, I need to know about it because  
7 they are an extremist group for sure. And  
8 I have not identified any in Huntsville yet  
9 that showed up, but if they do show up and  
10 they start talking about it, I'm going to  
11 pick up.

12 MR. SHARMAN: So as far as you  
13 know, you can't confirm whether or not any  
14 of those elements were at the June 1 or  
15 June 3rd protest, but you did have some  
16 chatter about it, but you can't confirm?

17 CHIEF McMURRAY: Yeah. Somebody  
18 rode by with a pickup truck and yelled at a  
19 couple protesters. We can't confirm that  
20 -- I think they were just mad at being  
21 delayed. They were -- there was no racist  
22 intentions. Nothing he yelled was racist,  
23 so -- although the -- the protesters seemed



1 to think so. But we haven't found any  
2 correlation with the violent extremist  
3 groups in Huntsville showing up.

4 And, again, we didn't -- we just  
5 didn't allow the groups to get violent and  
6 stay there violent for long periods of  
7 time. Had we allowed that, that's one of  
8 the things that happens, though, in other  
9 cities, and that's one of the things you've  
10 got to think about.

11 How long are you going to let  
12 them sit out there and protest and shut  
13 down the streets and shut down the city,  
14 because the longer you allow that, it's  
15 running live on TV, your anti-protesters  
16 are going to start showing up, and then you  
17 do get violence.

18 MS. HUNTLEY: And the city --

19 CHIEF McMURRAY: Lots.

20 MS. HUNTLEY: Excuse me. I'm  
21 sorry. I didn't mean to interrupt you.  
22 And the City of Birmingham event had  
23 occurred prior to June 1 and June 3rd?

1 CHIEF McMURRAY: Yes, ma'am.

2 MS. HUNTLEY: Did that play --  
3 you said you had been talking to other  
4 chiefs of police across the state. Did  
5 that play any into your approach to the  
6 June 1 and June 3?

7 CHIEF McMURRAY: Certainly don't  
8 want that to happen here. I don't want  
9 buildings attacked. Birmingham, Mobile,  
10 Hoover had a lot of problems, an isolated  
11 stretch or two. We all handled it just a  
12 little bit differently, but did it play a  
13 factor in it? Probably no more than any  
14 other around the country. You know,  
15 Huntsville is right there at the top three  
16 in the state now as far as size, so we're  
17 no different than any other city.

18 MS. HUNTLEY: I'm sorry, Vicki.  
19 I didn't mean to interrupt the CAC.

20 MS. GUERRIERI: That's okay.  
21 John, did you have additional  
22 follow-up?

23 MR. REITZELL: Would the lady

1 from -- the gentlelady from Birmingham

2 renew your time?

3 Chief, there's two other  
4 questions that I have that have been asked  
5 over and over. One is other than the black  
6 stripe across the badge which would  
7 indicate our support to those who have  
8 fallen, was there any direction to or any  
9 thought to cover badges with Duck Tape?

10 CHIEF McMURRAY: No. I've kind  
11 of -- now that they wear the exterior vests  
12 and things like that, I allow them to wear  
13 a sewn-on badge because the -- the big,  
14 metal, floppy badges, I mean, they cost the  
15 officers a hundred dollars every time they  
16 lose one, and so I've kind of changed that.

17 So I can see where maybe somebody  
18 would have -- if you're going into a mobile  
19 field force application, you might want to  
20 cover your badge, but we don't allow that.  
21 We have an application, so --

22 Was there a complaint that  
23 somebody had covered their badge?

1 MR. REITZELL: Yeah.

2 CHIEF McMURRAY: Yeah. I do -- I  
3 do remember the stripe. Somebody --  
4 somebody drew that as -- I don't remember.  
5 Unless we were still in mourning for Billy  
6 Clardy or somebody had their badge draped  
7 with a --

8 MR. BLAIR: There were a few of  
9 those, I think.

10 CHIEF McMURRAY: There were a few  
11 of those --

12 MR. BLAIR: Because wasn't his  
13 the -- anniversary of his death had just  
14 passed not too long ago.

15 CHIEF McMURRAY: Yeah. I think  
16 that's --

17 MR. BLAIR: When was it? The --

18 CHIEF McMURRAY: That was a  
19 mistaken thing where somebody didn't  
20 understand.

21 MR. REITZELL: December, I think  
22 was...

23 CHIEF McMURRAY: Yeah. He died

1 in --

2 MR. SHARMAN: Everybody, if  
3 you're going to do this, one at a time and  
4 loudly so she can hear it, please.

5 MR. REITZELL: One more question.

6 CHIEF McMURRAY: Okay.

7 MR. REITZELL: I think the people  
8 that showed up for the peaceful protest  
9 were caught by unawares by the fact that  
10 the police were ready for anything, and I  
11 think that scared a whole bunch of people,  
12 especially in the first -- the first big  
13 gathering we had with -- and, I guess, you  
14 can't blame them for that. They just  
15 weren't expecting it.

16 Were you expecting small children  
17 at this peaceful protest?

18 CHIEF McMURRAY: No, sir. And  
19 that's why Sheriff and I had to use the  
20 microphone to ask them to -- right before  
21 we knew what we were going to have to clear  
22 the streets, we were going to have to put  
23 out some CS and some smoke, we got on the

1 microphones and asked them to take your  
2 children away.

3           Actually on one of the events, we  
4 picked up a three- or four-year-old child  
5 that was abandoned. One of my police  
6 officers was photographed picking the child  
7 up and taking it back to the command post  
8 because somebody had left it. A mother or  
9 parent or whoever was supposed to be  
10 supervising the child left them, and I  
11 would have never expected that either.

12           I do understand after listening  
13 to everybody talk to city council for  
14 several months, those that came up and  
15 spoke, I do understand there were a lot of  
16 people that went down there to watch and  
17 join in solidarity with the grief this  
18 country was expressing. I do totally  
19 understand that. And I have no problem  
20 with any -- you know, a peaceful protest is  
21 great.

22           We marched with Oakwood College  
23 when they marched several years ago. I was

1 incident commander of that event, and my  
2 officers and I walked with them, held up  
3 signs. We join the community in these  
4 efforts. We're responsible to the actions  
5 of police that misuse their authority.

6 That's reason --

7           And I'm just going to be honest  
8 with you, and, Counselor, you don't want me  
9 to tell you this story, but I'm going to  
10 tell you because I love y'all and I've  
11 worked with y'all for my entire career, it  
12 seems like. I know for ten years I've  
13 worked with my community through my citizen  
14 advisory council.

15           I was on the phone with General  
16 Gordon of the Alabama National Guard. The  
17 governor activated the National Guard to  
18 respond to every major city in Alabama for  
19 these riots. Okay? She did. And General  
20 Gordon called me through Captain Mike Izzo  
21 who's a captain in the Guard. And I was  
22 talking to him when I walked into John  
23 Hamilton's office talking to General Gordon

1 on the phone right before the June 3rd, and  
2 she said, "Chief, the sheriff and the  
3 county commissioner have asked me to stand  
4 up 300 troops for the courthouse. I have  
5 them at your ready."

6 I said, General Gordon, thank you  
7 for the offer. Please do not put the  
8 military on the streets of Huntsville. I'm  
9 asking you do not stand up the military. I  
10 am not requesting them. I do not want them  
11 here, and if I have to go public with this,  
12 I will -- I will oppose this. This is  
13 Huntsville. We are highly trained and able  
14 to handle this with the least amount of  
15 violence. I can't control the military.  
16 Okay?

17 ALEA, the sheriff's department,  
18 you saw the sheriff -- what -- there is a  
19 command and control issue here. This is  
20 Huntsville. Everything I do is for the  
21 safety of our citizens and to keep us off  
22 national news. I have that. I begged her.  
23 Said no. She said, "Well, Dale Strong



1 wants them in there." I said, "Please, I'm  
2 standing here in Colonel Hamilton's office.  
3 I'm with the mayor. Do not put the Guard  
4 on our streets."

5 I've never told this story  
6 public. Okay, Jack? Nobody knows this  
7 story. John Hamilton knows, Colonel Izzo  
8 knows, I know, and colonel -- and she stood  
9 up 300 people at the National Guard armory  
10 on Airport Road a couple miles away and  
11 told me, "If you need them, they're here."  
12 I said, "Ma'am, do not -- you can activate  
13 -- I can't tell you how to activate your  
14 Guard. I would not allow it."

15 Now, she listened to me over Dale  
16 Strong and Sheriff Turner. She took my  
17 advice, I think, probably because Captain  
18 Izzo has such a great relationship with  
19 her, and she listened to me and Colonel  
20 Hamilton and respected our advice, and I'm  
21 very proud she did.

22 I staged these events  
23 intentionally to be non-confrontational,

1 and I'm sorry that the same 20 people that  
2 are calling me a liar every two weeks in  
3 front of the City, who demanded this  
4 oversight, they're the same 20 people who  
5 demanded my mayor remove that statue off  
6 county property. That was a county statue.  
7 It was county property, and my mayor and  
8 city council had nothing to do with that  
9 historic statue, but they raised holy hell  
10 for -- in between calling me a liar and  
11 demanding that statue.

12           There is a lot of  
13 misunderstanding that goes along with these  
14 events, and they'll never know the level at  
15 which we took to protect the citizens of  
16 Huntsville, but I'm telling you, it just  
17 did not happen exactly like it's being sold  
18 out there. And I -- you know, the worst  
19 thing that happened now that we're six  
20 months out is some people got to smell some  
21 CS gas. They cried, and their nose ran,  
22 and they went home.

23           But those 20 people coming to

1 city council every two weeks, they weren't  
2 even there. None of them were  
3 participants. They're activists, and  
4 that's okay. We need activists. They have  
5 the same constitutional rights as everybody  
6 else.

7 But let's just put things in  
8 perspective. I have 200,000 citizens in  
9 this city, 500,000 in the county, and I've  
10 got 20 people that hate my guts and are  
11 demanding me to be fired, and that's okay.  
12 That's okay. I'm -- I'm good with that.  
13 Okay?

14 My wife wants me getting fired  
15 from this job too. She wants -- she's  
16 retired eight years ago waiting on me.

17 MS. GUERRIERI: I remember when  
18 she retired.

19 CHIEF McMURRAY: Yeah. So it's  
20 okay. We got -- we're accomplishing a lot  
21 of good things here, and Huntsville has  
22 been the star of this state as far as I'm  
23 concerned. We don't -- we've had protests

1 every night since. We don't have any  
2 problems. I don't think they're terrified  
3 of us. I think they know that law and  
4 order must be maintained. The rule of law  
5 must be maintained, and time, place, and  
6 manner must be respected so that  
7 everybody's constitutional rights are  
8 protected.

9 MR. REITZELL: I would submit  
10 that Huntsville is an island in a sea of  
11 redneckery.

12 CHIEF McMURRAY: Well, you  
13 military guys know because for some reason,  
14 y'all keep coming here and retiring. I  
15 think it's the Robert Trent Jones golf  
16 course.

17 MS. GUERRIERI: Chief, I just  
18 have one question.

19 CHIEF McMURRAY: Yes, ma'am.

20 MS. GUERRIERI: We're going back  
21 to the infamous permit again. When the  
22 local chapter of the NAACP representative  
23 approached you for the permit, and then

1 were you party to the conversation between  
2 the local --

3 CHIEF McMURRAY: Well --

4 MS. GUERRIERI: -- NAACP and the  
5 state, or was that information --

6 CHIEF McMURRAY: This is awkward  
7 because --

8 MS. GUERRIERI: -- relayed  
9 between local and state and then you were  
10 told, or how did that -- how did that work?

11 CHIEF McMURRAY: I don't know  
12 because Jerry Burnet and I are such good  
13 friends. We go back probably 15 years, and  
14 Jerry and I have casual conversations a  
15 lot, and so I love Jerry to death. And he  
16 applied for the permit, and then, you know,  
17 we -- my SOD commander talked to him, and  
18 they had the conversations away from me.  
19 And he understood that, you know, having  
20 people out there in hot temperatures too  
21 long could get bad. The march could go  
22 long. Dehydration.

23 Let's just end it at 5:30, and if

1 they need to go walk, we'll take care of  
2 you and all that. Let's just don't -- it  
3 was poor communication on my part and on my  
4 SOD. I try not to micromanage my  
5 departments too much. I have too many  
6 wheels turning. And so I let them talk,  
7 and then Jerry and I probably had some  
8 sidebars because sometimes I just stop by  
9 his office and talk to him.

10 So I'm sorry about it. What  
11 happened was the State was -- had pretty  
12 much already kind of anticipated a 6:30  
13 entrance, and they kind of pushed the --  
14 maybe paid for the advertising to start  
15 before Jerry had talked to us completely.

16 MS. GUERRIERI: Oh, okay. Well,  
17 that --

18 CHIEF McMURRAY: And then it --  
19 Jerry realized he needed to make it 5:30.  
20 It was already out at 6:30. And I said,  
21 hey, guys. Let's just give them till 6:30  
22 then. Let's just make it right. I can't  
23 go back and -- and make it wrong. I can't

1 -- I need to honor that original intent of  
2 6:30.

3           So I kept the streets open. I  
4 let them have it. And we just let them  
5 have it till 6:30. 6:30 came and gone,  
6 then 7:30, now it's 8:00 o'clock. 20  
7 minutes it will be total darkness outside,  
8 and we've just got to go. I've been  
9 working with them for 90 minutes to go.

10           And this was not the group that I  
11 negotiated with, by the way, that was left.  
12 By 8:00 o'clock at night, that group was  
13 not there. That was not the same group  
14 that had the rally, the peaceful rally, and  
15 the peaceful protest. That was a group of  
16 very, very angry people.

17           MS. GUERRIERI: That's all. I  
18 just needed some clarity on that.

19           MR. SHARMAN: Madam Chairwoman, I  
20 know we're at the end of our time, but  
21 there is something I need to follow up  
22 on --

23           MS. GUERRIERI: Okay.

1 MR. SHARMAN: -- but I'll be very  
2 brief.

3 MS. GUERRIERI: All right.

4 MR. SHARMAN: Chief, the Sheriff  
5 of Madison County, by virtue of his office,  
6 has the authority to essentially  
7 subordinate other law enforcement personnel  
8 in Madison County, right?

9 CHIEF McMURRAY: He can even  
10 swear in civilians. Yes, sir.

11 MR. SHARMAN: That did not happen  
12 on June 1st and 3rd, right?

13 CHIEF McMURRAY: It did not.

14 MR. SHARMAN: You were still the  
15 chief of the Huntsville Police Department  
16 on June 1st and 3rd, right?

17 CHIEF McMURRAY: Yes, sir.

18 MR. SHARMAN: And whatever,  
19 ultimately as we discussed before, a police  
20 officer in the Huntsville Police Department  
21 did or failed to do on June 1st and 3rd,  
22 you are or were responsible for, regardless  
23 of what the sheriff may or may not have



1 done, right?

2 CHIEF McMURRAY: That's correct.

3 MR. SHARMAN: There was no senior  
4 commander, one unitary commander, on those  
5 days, right?

6 CHIEF McMURRAY: It was a unified  
7 command, yes, sir, so --

8 MR. SHARMAN: But it wasn't one  
9 guy?

10 CHIEF McMURRAY: No, it wasn't.

11 MR. SHARMAN: Okay. Y'all were  
12 cooperating as best you could under the  
13 circumstances, right?

14 CHIEF McMURRAY: Yes, sir.

15 MR. SHARMAN: Okay. That's all.

16 MS. GUERRIERI: Okay. Does  
17 anyone else have any other questions?

18 Willie?

19 MR. LOVE: I don't have anything.  
20 Thank you.

21 MS. GUERRIERI: Well, at this  
22 time, I'll just conclude this by saying  
23 thank you very much for coming in and

1 giving us all these hours of your time, and  
2 unless there's any further questions, we'll  
3 call the meeting adjourned.

4 CHIEF McMURRAY: I have one  
5 statement. Okay? And then I promise I'll  
6 let you go because Jack has alluded to how  
7 -- I don't apologize for me getting  
8 together and explaining myself. Okay?  
9 I've always been eager to talk about this,  
10 always.

11 The 4th, I was the one that asked  
12 the sheriff and chief to come together and  
13 let's talk. Let's communicate to the  
14 public. I'm the one that started the PIO  
15 program and the recruitment program and  
16 have gone to extreme measures to  
17 communicate. Okay? I'm the one who went  
18 -- and by the 18th, you saw. I can preach  
19 forever.

20 That two and a half hours, Devyn  
21 Keith, my council president, made me shut  
22 up at two and a half hours. He said,  
23 "Chief, that's enough." He couldn't take

1 any more. I had another hour of  
2 PowerPoints. I had over a hundred  
3 PowerPoints ready. I was ready to talk and  
4 told to talk till midnight. The mayor told  
5 me talk till midnight. Okay?

6 I love talking about this stuff  
7 because I'm very proud of the Huntsville  
8 Police Department. And I really miss  
9 meeting with y'all. As soon as COVID is  
10 over with and this review is over with,  
11 we're going to get back together and do it  
12 again. Okay?

13 MS. GUERRIERI: We look forward  
14 to that.

15 CHIEF McMURRAY: Yeah. Because  
16 there's so -- there's so much history and  
17 so much learning we can do with this  
18 committee, and I -- it's some of the best  
19 time I have as chief is with my community  
20 watch associations and with my Huntsville  
21 Police advisory council. So I'm glad to be  
22 here today. I would stay here.

23 I penciled out the whole day if

1 you want to take me to lunch. It's not

2 really 2:00 o'clock, is it?

3 (Multiple speakers.)

4 MR. SHARMAN: Let's go off the

5 record.

6 (The interview concluded at 2:03

7 p.m.)

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C E R T I F I C A T E

STATE OF ALABAMA  
MADISON COUNTY

I, the undersigned, a Notary  
Public of the State of Alabama at Large,  
hereby certify that pages 1 through 220  
contain a true and accurate transcription  
of the proceedings.

I further certify that I am  
neither of kin nor counsel to any of the  
parties nor in any manner interested in  
the results thereof.

So certified on this, the 11th day  
of February, 2021.

s/Brooke Stagg  
BROOKE STAGG, CCR  
ACCR# 647, Expires 9/30/2021  
Commissioner and Notary Public  
State at Large  
My Commission Expires: 5/9/2021