

**Metropolitan Nashville Police Department
Nashville Downtown Bombing
After Action Review Board Report**

Background

On the morning of December 25, 2020, a large explosion erupted on 2nd Avenue North in downtown Nashville that caused extensive damage to buildings and infrastructure, significant business closures, job losses, and displaced residents from their homes. While many lives were saved that day as a result of the heroic actions of first responders and public safety personnel of Nashville and Davidson County, the Metropolitan Nashville Police Department is committed to learning from the tragic bombing to safeguard the community from future harms.

In that regard, on January 7, 2021, Metropolitan Nashville Police Chief John Drake announced the creation of an after-action review to examine events leading up to the bombing in downtown Nashville, and determine whether any gaps exist from which MNPDP can learn in the future. Specifically, the after-action review focuses on MNPDP's response to an incident that occurred on August 21, 2019, involving suicide bombing suspect Anthony Warner. The purpose of the after-action review is to look at what occurred, what mistakes, if any, were made in the handling of information, and whether changes to policy or procedures are needed to help keep Nashville safer.

Chief Drake announced that the after action review board shall consist of five persons including two within the department— Deputy Chief Dwayne Greene and attorney/Professional Standards Division head Kathy Morante— and three members outside of the department—Nashville attorney and former United States Attorney for the Middle District of Tennessee Ed Yarbrough, Community Oversight Board Executive Director Jill Fitchard, and Metro Council Member Jennifer Gamble, chair of the Public Safety Committee.

The after-action review is a process by which organizations reflect upon a project or monumental event during and after its completion, to assess their performance and identify and learn from successes and failures. The concept was originally developed by the U.S. Army in the 1970s to review and improve combat operations and related military training. It was quickly adopted by business, industry, and other government organizations. The after-action concept has been modified slightly over the years but still focuses on making the organization and its operations safer and more efficient.

Summary

This after-action review includes an analysis of activity and incident reports, email correspondence and interviews with parties involved regarding the August 21, 2019 incident, when MNPB officers received a 911 call which led to officers being dispatched to the home of Pamela Perry — friend of suicide bomber Anthony Warner— and the home of Warner. From January- May 2021, the After-Action Review Board met in person and corresponded through email, examined multiple MNPB police reports, documents and 911 calls related to the 8/21/19 incident, and conducted interviews with individuals and officers who were at the scene. This report provides an analysis of what the committee discovered as well as recommendations for MNPB policies and procedures to improve public safety from future events.

The After-Action Review Board subsequently undertook a thorough and extensive examination of the events leading up to the December 25, 2020 bombing in downtown Nashville and the MNPB officers' proceeding actions, particularly as they relate to identifying, interacting with, and investigating suicide bombing suspect Anthony Warner. The examination was concluded to the satisfaction of all parties involved.

The framework for the after-action review follows guidelines as outlined in the "Guide to the After-Action Review," Version 1.1, October 2010. The after-action review is categorized into two specific areas— what went well and why— what can be improved and how. Additionally, there are subcategories within the framework to evaluate separately the patrol response, follow up investigation, and departmental procedure as related to the after-action review.

The After-Action Review Board concludes that there is no way to know for sure if the suicide bombing on December 25, 2020 could have been prevented. Law enforcement followed protocols and procedures regarding the 8/21/19 incident, however deficiencies were identified in how the follow up investigation was conducted. An after-action report, by its very nature, invites the examiners to employ hindsight in reaching their conclusions. But there is danger in that. One must not assume that because certain good practices were not followed or certain actions were not taken, the outcome would have necessarily been different had those proper steps been taken. All we can say for sure is that following the best practices and being diligent creates the best opportunity for a good result the next time. Following is a comprehensive analysis of the After-Action Review Board's evaluation including departmental successes and recommendations for improvement.

What went well and why?

The After-Action Review Board completed an in-depth review of events that occurred on August 21, 2019, particularly as they pertain to the 911 call regarding Atty. Raymond Throckmorton, Ms. Pamela Perry and suspected bomber Mr. Anthony Warner. A 911 call was made on 8/21/19 by Atty. Throckmorton, personal attorney of Pamela Perry, to respond to a suicidal threat made by Ms. Perry. Several officers were dispatched to Perry's home at 3816 Syfert Ln including Officer Gerald Gomes, Officer Joseph Simon, and Sergeant Scott Carter.

Upon arriving at the scene, officers stated that Ms. Perry was sitting on the porch and there were two firearms sitting next to her. She was adamant about getting rid of the firearms that she said belonged to Anthony Warner. Once the firearms were secured, officers began to talk to Ms. Perry. The officers stated that Ms. Perry seemed paranoid when they talked to her and she rambled about her friend (Anthony Warner) ruining her life. In addition, she showed signs of mental distress and she complained of physical distress. She said on several occasions that she felt like she was dying. She also stated that she believes Anthony Warner is making bombs in his RV at his home and she couldn't die until she saved the "innocents" from Mr. Warner. At that time, officers began to focus on Ms. Perry's mental health and mobile crisis was dispatched. Ms. Perry voluntarily went with the Nashville Fire Department to Southern Hills Hospital for evaluation.

Atty. Throckmorton was also at the scene at 3816 Syfert Ln. While at the scene, he told officers that he is the personal attorney of Anthony Warner as well as Ms. Perry, and that Mr. Warner frequently talked about the military and making bombs. Atty. Throckmorton also stated that he believes Mr. Warner is capable of making a bomb but, he has never seen Warner with a bomb.

Upon receiving the allegation from Ms. Perry about Anthony Warner making a bomb and Atty. Throckmorton's statement that Mr. Warner is capable of making a bomb, Sgt. Carter who was the supervisor on duty told officers to leave Perry's home and follow up on the allegation at Anthony Warner's residence at 115 Bakertown Ln. Several officers, including Sergeant Cater, Officer Gomes, Officer Simon, Officer Williams, and later, Officer Pollard from the SOD Bomb Squad went to the Warner residence. They knocked on the door but did not get an answer. They observed that there was an RV trailer in the back yard but the yard was fenced off and they could not see inside the RV. The officers also observed that the location had several security cameras and wires attached to an alarm sign on the front door. They knocked on the door several times but Mr. Warner never opened the door and the officers did not have contact with him.

It is determined that the patrol response was handled appropriately and all response policies and procedures were followed successfully.

1. Patrol officers on the scene acted appropriately to a 911 call that a potentially suicidal person had access to weapons. They contacted their supervisors, tried to assist Ms. Perry, took into consideration her condition, removed the weapons from

the area to ensure she could not harm herself or others. They spoke at length with Ms. Perry before convincing her to be transported for medical assistance. The officers on the scene appropriately documented the facts of their interaction with her.

2. The officers and supervisors at the scene were appropriately concerned about the information given by Ms. Perry that Mr. Warner might be building a bomb. Several officers and supervisors immediately went to Warner's home to investigate. Upon their arrival at the location, Mr. Warner did not appear to be at the residence. The shades were drawn, and the doors and security fence locked. Officers observed a vehicle in the side yard matching the description of the RV that Ms. Perry described. Officers knocked on the door and side gate of Mr. Warner's residence but did not get an answer. Officers stated they also knocked on the adjoined apartment but did not get a response. While they noticed extensive security cameras, there appeared to be nothing to indicate criminal activity. All of the activity at Mr. Warner's home was well-documented by the appropriate personnel.
3. All of the officers and supervisory personnel were of the belief that they had insufficient probable cause to enter the property or seek a search warrant. The information about their concern that the suspect might be building a bomb was relayed to the appropriate unit, the Hazardous Device Unit, also known as the Bomb Squad. The HDU officer sent an inquiry to the FBI on August 22, 2019, to determine if Mr. Anthony Warner had a prior history or connection to explosives, and the agent responded that there were no records showing that Mr. Warner was in their database. The request to check military records was mentioned and that it would take several days to get that information back. On August 28, 2019 the FBI agent sent notification that the Department of Defense checks were all negative.

What can be improved and how?

While the After-Action Review Board's examination concludes that the patrol response was handled appropriately and activity regarding the patrol response was well-documented by all appropriate personnel, there is room for improvement in the reporting process. Although the current reporting process calls for multiple patrol responders on the scene of an incident to contribute information to one matter of record report, having different perspectives on one report may cause inconsistencies in the report. For example, in the matter of record report taken on 8/21/19 by Officer Williams regarding the scene at the home of Pamela Perry, Anthony Warner is identified as the "boyfriend" of Ms. Perry, an assertion she adamantly denied to the panel during an interview. The board recommends that each responder prepare their own individual supplement when responding to mental health calls, high priority calls or when directed by a Sergeant, to ensure more accuracy of reporting in the future.

In addition, the board identified deficiencies in the follow up investigation and documentation as it relates to the 8/21/19 incident. For example, there was insufficient follow up with Ms. Perry after she received medical assistance, to discuss further her allegation about Anthony Warner making a bomb. Officer Pollard, the Hazardous Device Unit detective on the case, stated in an interview that he attempted to contact Ms. Perry several times in the weeks after the August 21, 2019 incident but was unable to reach her. There is no record of Officer Pollard's attempts to contact Ms. Perry.

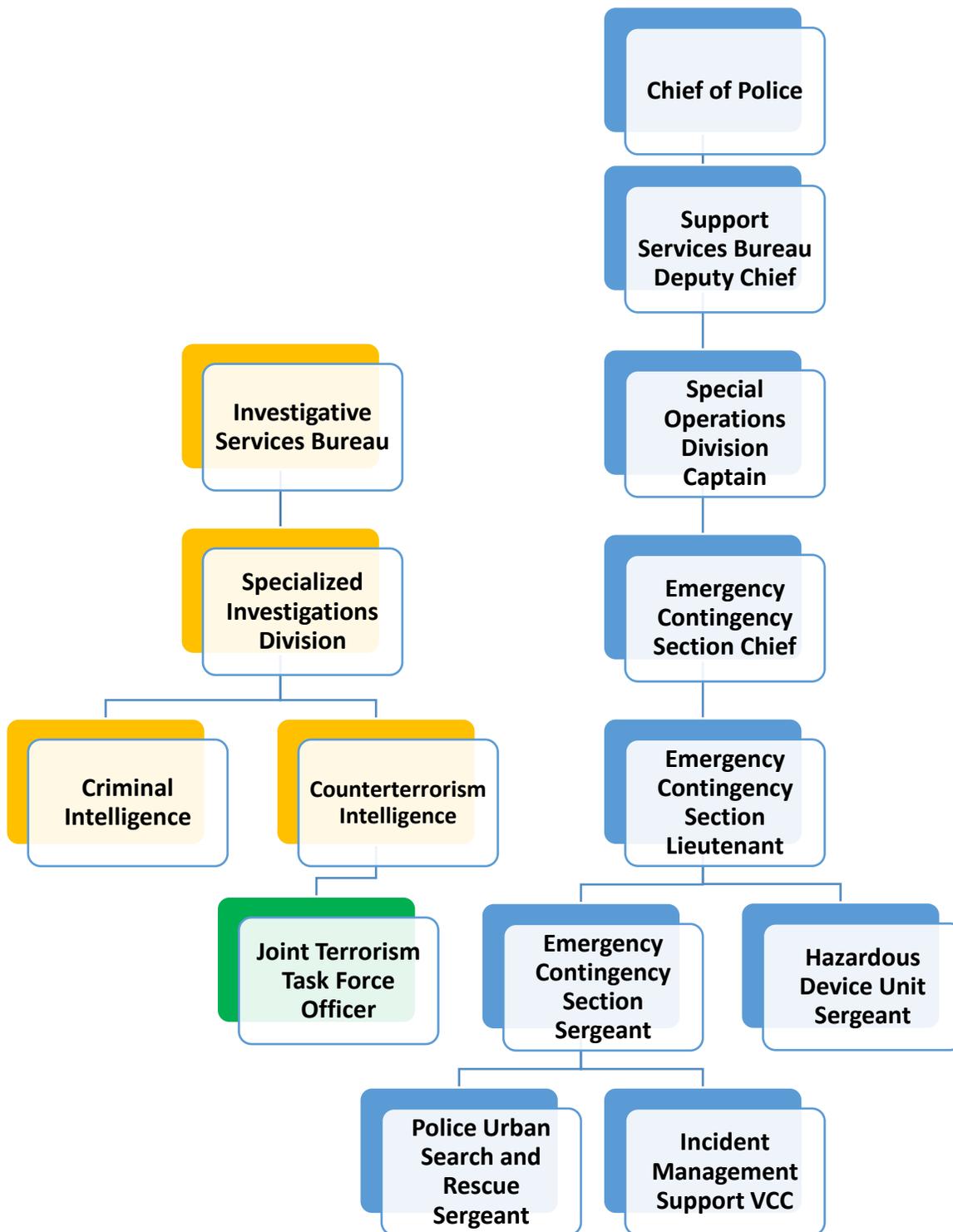
Also, Officer Pollard stated that he went by Anthony Warner's house several times after the incident report on 8/21/19, but did not have contact with him. There is no record of Officer Pollard's attempts to contact Mr. Warner. Furthermore, Officer Pollard stated that there was no attempt at any time to contact Anthony Warner's employer, family members, or the neighbors near Warner's home. He stated that at the time of the bombing on December 25, 2020, the case was not closed but it was not active. He stated that cases like that often lay dormant unless another lead or complaint comes in.

The board recommends that all bomb-related incidents be investigated by the precinct detectives in conjunction with the Hazardous Device Unit (HDU) technicians to ensure that information doesn't fall through the cracks. Also, the latest investigative techniques and equipment can be effectively utilized with the latest explosive device render safe techniques and equipment. As an existing precursor, HDU already conducts Molotov cocktail investigations jointly with the Nashville Fire Department (*NFD*) when the devices burn structures.

Furthermore, the board recommends that the position of a Joint Terrorist Task Force Officer in the Special Investigations Division (SID) be reinstated to serve as a liaison and conduit between the Emergency Contingency Section (ECS) and the SID, specifically in the counterterrorism intelligence subcomponent of SID. The after-action review exposed a deficiency in communication between the HDU and the SID charged with gathering intelligence. Within SID, there should be a differentiation between the two principal components of intelligence, those dealing with criminal and counterterrorism intelligence to ensure adequate communication vetting and dissemination of both specific types of intelligence.

Lastly, the board recommends that executive staff be updated immediately about any significant investigations surrounding viable threats or counterterrorism, and that leadership receive quarterly briefings from the Emergency Contingency Section as it relates to case status. It is not clear if intelligence regarding the status of the investigation into Anthony Warner was flagged and passed along to MNPD leadership during COMPSTAT or at staff meetings. Cases that have questionable or peculiar status should be discussed in MNPD staff meetings to ensure that questions are addressed, and assistance is obtained. Following is an organizational chart to show the recommended chain of communication and flow of information regarding criminal and counterterrorism intelligence, and a breakdown of deficiencies identified in the follow up investigation and departmental structure with recommendations for improvement.

Organizational Chart for Criminal and Counterterrorism Intelligence Dissemination



Follow up Investigation Deficiencies	Recommendations for Improvement
<p>The HDU officer made several attempts to contact Ms. Perry by phone and went to the residence of Mr. Warner on numerous occasions to follow up on the investigation, but the dates, times and outcomes of the attempts were not documented.</p>	<p>Require that all efforts to follow up with any individual regarding an HDU investigation be documented, even if the efforts do not result in progress or contact. Such actions should include but are not limited to attempts to call, attempts to contact, number of times we knocked on the suspect's door, computer checks, data base checks, etc.</p>
<p>The HDU case was not closed and remained open for over a year without any updated investigation or documentation.</p>	<p>Conduct random quarterly audits of HDU case files to ensure that the best investigative practices are being used and all documentation is being properly completed.</p>
<p>The HDU officer's supervisor did not document or escalate the case status or follow up with detectives regarding the open case.</p>	<p>Conduct monthly reviews of all cases received by HDU and ECS and by all HDU and ECS Technicians, SID representatives, ATF representatives, FBI representatives, and TDHS representatives in the Explosive Summit. The Explosive Summit is similar in construction to the Homicide Summit. During the Explosive Summit, which is typically held on the third Thursday of each month, the attending representatives determine what analyses and investigations have occurred and what analyses and investigations shall follow. Additionally, the summit's representatives will recommend Case Status changes, including but not limited to Closed Due to Arrest.</p>
<p>There is not a process in place regarding case closure and criminal and counterterrorism cases can remain open without follow up.</p>	<p>Initiate a four-part confirmative closure prior to officially marking a case Inactive so as to ensure the original information has not changed.</p> <ol style="list-style-type: none"> 1. A reasonable attempt shall be made to follow up with the reporting person, complainant, or those who have information related to the allegation/incident. 2. Federal database checks shall be conducted through the FBI, ATF, DEA, DHS, and other applicable agencies. 3. State and local database checks shall be conducted through the MNPd, ARMS, State, JTTF, and other applicable components. 4. SID shall be contacted for a final database and online check, and if an investigation is halted due to a lack of probable cause or other legal reason, then Case Prep, the legal advisor, and/or the District Attorney's Office should be contacted to discuss the full scope of options.

Departmental Procedure Deficiencies	Recommendations for Improvement
<p>Although probable cause to search Anthony Warner’s home and RV may have not been established by the patrol officers on the day of the 8/21/19 incident, the HDU officer could have sought legal advice about getting a search warrant during the follow up investigation.</p>	<p>Remind officers, through a roll call training, of the legal resources available to assist them in determining if there is sufficient probable cause to seek a search warrant. It should be emphasized that the greater the potential danger to the community and its citizens, the more likely they should be to seek legal consultation.</p>
<p>Clearer guidelines are needed for counterterrorism intelligence sharing and HDU investigative and operating procedures.</p>	<p>Submit a State of Tennessee ‘Suspicious Activity Report’ (SAR) on all HDU calls where the totality of the circumstances would lead an investigator to reasonably believe that more investigative efforts would be needed or if the HDU technician believes the information could assist with other investigative efforts. The SAR report is designed to distribute information regarding suspicious activity throughout an established distribution network that includes the Joint Terrorism Task Force, the Tennessee Fusion Center, and other state and federal partners. All acquired information is then analyzed and compared with other information from around the country to determine if the respective data—when correlated with additional data via integrative analysis—can assist in finding and defining larger criminal frameworks.</p>
<p>A procedure is needed that requires intelligence regarding the status of HDU or SID investigations to be flagged and passed along to MNPD leadership.</p>	<p>Subsequent to the conclusion of the Explosive Summit, have the Captain of Special Operations Division or his appointed representative send out an email log to the impacted commanders in order to keep them updated on respective situations within their precincts that could impact their personnel.</p>