

Exhibit D:

Ramos-Gomez Appeal
to Civilian Appeal Board

REQUEST FOR APPEAL


POLICE CIVILIAN APPEALS BOARD
CITY OF GRAND RAPIDS, MICHIGAN 49503

DATE OF APPEAL	03/06/2019	COMPLAINT NUMBER	CR 19-013
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APPELLANT'S NAME	ACLU of Michigan MIRC	ADDRESS	1514 Wealthy St. SW, Ste. 260, Grand Rapids, MI 49506 1550 E. Beltline, Ste. 375, Grand Rapids, MI 49506	TELEPHONE	(616) 301-0930 (616) 439-1778
	Jilmar B. RAMOS-GOMEZ		C/O counsel		

DATE OF OCCURRENCE	11/21/2018 - present	LOCATION OF OCCURRENCE	Grand Rapids, Michigan
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POLICE EMPLOYEE(S) INVOLVED (include name, rank, and badge number)
Captain Curtis VanderKooi and all other Grand Rapids police officers involved in the case of Jilmar Ramos-Gomez.

NATURE OF APPEAL
<p><i>The Civilian Appeal Board does not take testimony during their open meetings; therefore, if you want the Board to understand the nature of your appeal, please explain in detail.</i></p> <p>Please see attached.</p> <p></p> <p>Signature Of Appellant</p>

- AFFIRMED
- MODIFIED

Civilian Appeal Board Chairperson

Date Of Board Decision

RATIONALE FOR BOARD FINDINGS



March 6, 2019

Grand Rapids Civilian Appeal Board
City of Grand Rapids
Attn: City Attorney's Office, Civil Litigation
300 Monroe Avenue NW, 6th Floor
Grand Rapids, MI 49503

Re: Jilmar Ramos Gomez Appeal

Dear Civilian Appeal Board:

We write to appeal the decision of the Grand Rapids Police Department's Internal Affairs Unit regarding the complaint we filed on behalf of Jilmar Ramos Gomez. We ask that the Civilian Appeals Board (CAB) conduct a comprehensive review of the interactions between the Grand Rapids Police Department (GRPD) and U.S. Immigration and Customs Enforcement (ICE) regarding Mr. Ramos-Gomez, and require further investigation as needed by the Labor Relations Board. Because the evidence available clearly shows that Captain Curt VanderKooi racially profiled Mr. Ramos-Gomez and discriminated against him based on his race and disability, we also specifically request that the CAB overturn the finding of Internal Affairs exonerating Captain VanderKooi of violating the Impartial Policing Policy, and review the adequacy of the investigation into his use of derogatory and demeaning language, which resulted in mere coaching.

**BACKGROUND OF MR. RAMOS-GOMEZ'S COMPLAINT AND
OVERVIEW OF REQUESTED ACTIONS**

On January 23, 2019, the American Civil Liberties Union of Michigan (ACLU) and Michigan Immigrant Rights Center (MIRC) wrote to Interim Police Chief Kiddle, Mayor Bliss, the City Commissioners, and City Manager Washington, demanding an investigation to determine why the GRPD called ICE on Mr. Ramos-Gomez, despite the fact that he had his U.S. passport on him when he was arrested. That letter was deemed an official complaint under the GRPD's citizen complaint procedure and turned over to the GRPD's Internal Affairs Unit (IAU).

When we called for an investigation, what we wanted was an independent investigation. What we got was a whitewash. Despite clear evidence that Captain VanderKooi racially profiled Mr. Ramos-Gomez by contacting ICE to check his "status" after seeing a picture of him on the news, the Internal Affairs Unit exonerated Captain VanderKooi. Even though Captain VanderKooi mocked Mr. Ramos-Gomez's disability, calling him "loco" and "mad," the only discipline imposed for this appalling violation of the GRPD's policies appears to have been that the matter

was “addressed” with Captain VanderKooi. And the Internal Affairs Unit utterly failed to address the conduct of other officers, or look at the systemic problems – such as inadequate policies around ICE entanglement and inadequate training on treatment of people with mental disabilities – that also contributed to this terrible incident.

The results of the IAU’s investigation in Mr. Ramos-Gomez’s case make clear what residents of this City have known for a long time: the police cannot police themselves. The IAU’s brochure on the “Citizen Complaint Procedure” states that “[a]ll complaints receive an appropriate, thorough, and objective investigation.” That is not what occurred here.

We applaud the City Manager for asking for further review of the discipline imposed based on the sustained findings of discourtesy, as well as for asking for further review of other matters related to this incident.

Accordingly, we request that the CAB:

- Reverse the IAU’s exoneration of Captain VanderKooi and find that he violated the Impartial Policing Policy;
- Review the adequacy of the investigation into the sustained charge of Discourtesy;
- Review Captain VanderKooi’s actions to determine whether other policies were violated;
- Review the actions of all other GRPD officers involved in this incident; and
- Review the broader policy issues this incident raises.

We also believe that many questions remain unanswered and more thorough investigation is required. We further believe that the City Manager must be afforded the opportunity to review a full, complete, thorough and impartial investigation to determine the appropriate discipline for the racial profiling, disability discrimination, and offensive actions of Captain VanderKooi, all other GRPD officers involved in this incident, including and especially Officer Adam Baylis, and the system failures of training and policy with respect to racial profiling, treatment of people with disabilities, and entanglement with ICE.

While we are appealing to you, as the Civilian Appeals Board, we do so with full knowledge that you must operate with your hands tied behind your back. The CAB cannot engage in a separate investigation, but must rely on the incredibly flawed investigation provided to it by Internal Affairs. The Board cannot interview witnesses, but must be content with whatever interviews were conducted by Captain VanderKooi’s colleagues. And the Board cannot hold evidentiary hearings. *See* City Commission Policy 800-02(3). Given such severe constraints on the Board’s autonomy, it is hard to see how it can discharge its mission of ensuring a fair process for assessing alleged officer misconduct and affording the community a sense of confidence that police officers are accountable to the community they serve.

Nevertheless, this appeal process, as inadequate as it is, is the process we currently have. We recognize that you, as the Board, are bound by the City Commission Policy 800-02(3), and that you are operating under severe constraints. As discussed below, we do believe there are some small changes you can make in advance of the hearing in Mr. Ramos-Gomez’s case that will

somewhat improve the process, and accordingly we request the opportunity to present before the Board and submit relevant information. With respect to the many necessary changes that you as a Board are unable to make, we will also be urging the City Commission to strengthen the CAB so that the police are truly accountable to the public that they serve.

FACTUAL HISTORY

A detailed timeline and factual review is attached to this letter as Appendix A.

Jilmar Ramos-Gomez is a decorated Marine combat veteran and United States citizen who was born and raised in Grand Rapids, Michigan. Mr. Ramos-Gomez developed Post Traumatic Stress Disorder as a result of bravely serving our country in Afghanistan. On November 21, 2018, GRPD officers arrested Mr. Ramos-Gomez. Although he had identification on him that showed he is a United States citizen and a veteran, including his U.S. passport, U.S. Marine Corp tags, and REAL ID compliant driver's license. Captain Curt VanderKooi asked an immigration enforcement officer at ICE to investigate Mr. Ramos-Gomez's "status." ICE incorrectly determined that Mr. Ramos-Gomez was a foreign national unlawfully present in the United States, thanked Captain VanderKooi for "the lead" and encouraged him to continue providing ICE with "any other good leads." Captain VanderKooi subsequently sent a copy of the police report to his ICE contact in which he described Mr. Ramos-Gomez as "loco" and "mad". The prosecutor subsequently flagged that Mr. Ramos-Gomez is a U.S. citizen and veteran, yet no action was taken to prevent ICE from detaining and trying to deport him. ICE subsequently unlawfully detained Mr. Ramos-Gomez for three days until his family's attorney intervened on his behalf by providing documentation proving his United States citizenship.

Lawyers for the ACLU and MIRC, representing Mr. Ramos-Gomez, requested an investigation. At the conclusion of the Internal Affairs Unit investigation, the GRPD determined that Captain VanderKooi's decision to have Mr. Ramos-Gomez's "status" investigated by ICE did not violate GRPD's impartial policing policy. However, the GRPD did conclude that Captain VanderKooi's "unprofessional language" violated GRPD policy on Discourtesy.

ARGUMENT

We appeal the findings of the Internal Affairs Unit for two reasons. First, the investigation was incomplete in that it focused solely on Captain VanderKooi and did not look at whether other GRPD employees violated the impartial policing policy, such as Officer Adam Baylis, who failed to report Captain VanderKooi's biased comments and turned a blind eye to ICE's planned detention and deportation of a U.S. citizen. The investigation also failed to look at the inadequate and non-existent policies and procedures of the GRPD regarding ICE collaboration or treatment of individuals with mental illness, or our respected marine veterans.

Second, the finding of the Internal Affairs that Captain VanderKooi did not violate the GRPD's Impartial Policing Policy should be overturned because the evidence already in the record clearly establishes that he engaged in racial profiling and disability-based discrimination by intentionally contacting ICE based on Mr. Ramos-Gomez' Latino heritage and by mocking Mr. Ramos-Gomez for his mental disability.

1. The Evidence Establishes that Captain VanderKooi Engaged in Racially Biased Policing

The GRPD's Policy on Impartial Policing states that "Employees shall not engage in racial profiling or any other bias based law enforcement practices." Racial profiling is defined as:

The practice of relying, to any degree, on race, ethnicity or national origin in selecting which individuals to subject to routine investigatory activities, or in deciding upon the scope and substance of law enforcement activity following the initial routine investigatory activity. Racial profiling does not include reliance on the criteria in combination with other identifying factors when the officer is seeking to apprehend a specific suspect whose race, ethnicity, or national origin is part of the description of the suspect, and the description is thought to be reliable.

Based on the facts in this case, it is impossible to conclude that Captain VanderKooi did not rely in any degree on the fact that Mr. Ramos-Gomez is Latino in deciding on the scope of and substance of his investigation—i.e. to contact ICE.

First, Captain VanderKooi made his decision to contact ICE after seeing a news story about Mr. Ramos-Gomez on television. Mr. Ramos-Gomez's name is recognizably Latino, and the picture shown with that story clearly showed that he has a dark complexion.

Second, the Internal Affairs report itself notes that Captain VanderKooi's use of the term "loco", "in the context in which it was used, could reasonably be perceived as a 'prejudiced word' concerning national origin, mental handicap or other personal characteristics." Report, at 7. However, the Internal Affairs report did not consider Captain VanderKooi's use of prejudiced language in assessing what his motives were in contacting ICE.

Third, Captain VanderKooi's explanation that he contacted ICE because of suspected terrorist activity, and he did not believe GRPD would follow-up in an expedient manner, is without merit for the following reasons:

- Immigration and Customs Enforcement is not the proper federal authority to involve in a terrorism investigation. ICE is responsible for the deportation of foreign citizens, not for terrorism.
 - The Federal Bureau of Investigation (FBI) is the proper federal agency to contact regarding terrorism. Captain VanderKooi had previously received training with the FBI. He should therefore have been well aware of its responsibilities, and presumably should have had contacts within the FBI whom he could have notified if he was truly concerned about terrorism.
 - The ICE officer Captain VanderKooi contacted was Derek Klifman, who is responsible for deportations.

- Captain VanderKooi’s email to ICE did not indicate that the situation was urgent, or that he was concerned about a possible act of terrorism, only that he was concerned about Mr. Ramos-Gomez’s “status.”
- If Captain VanderKooi was truly concerned about terrorism, he would have acted very differently, reflecting the urgency of such a situation:
 - Captain VanderKooi claimed he saw the Wood TV8 news piece at either 5:00 pm or 6:00 p.m., yet he waited until 7:40 pm to take any action
 - Captain VanderKooi contacted an immigration police officer responsible for deportations, not terrorism investigations.
 - Captain VanderKooi states that he did not contact any of the GRPD investigating officers at that time.
 - Captain Vanderkooi did not follow-up with his ICE contact even though he did not receive a response until a day and a half after his original email was sent.
- Captain VanderKooi and the GRPD’s explanation that ICE was involved because of terrorism is contradicted by the City’s Facebook post and press release following the incident that there was no further threat to public safety.
- When Captain VanderKooi sent ICE copies of the police report and described Mr. Ramos-Gomez as “loco,” he not only used incredibly offensive language. He also demonstrated that he knew that incident reflected a mental health issue, not terrorism.
- Captain VanderKooi took no follow-up steps to investigate Mr. Ramos-Gomez’s citizenship or to alert ICE of that fact even through Captain VanderKooi had the police report which indicated that Mr. Ramos-Gomez had his passport on him, even though Captain VanderKooi had access to that passport and other identification which had been logged into evidence, even though the arrest log shows Mr. Ramos-Gomez’s country of birth as the United States, and even though Captain VanderKooi knew ICE was planning to try to deport Mr. Ramos-Gomez.

The CAB should not accept the implausible conclusions of the Internal Affairs Unit’s report that Captain VanderKooi’s actions were intended to investigate a potential act of terrorism by a U.S. citizen. What confidence can our community have in GRPD’s competency to handle a terrorism incident if the proper way to investigate a potential terrorism threat to our community is for an off-duty police officer to email a friend at an immigration removal agency, and no one else, to check that person’s status and then wait a day and a half for any kind of response?

Captain VanderKooi and the GRPD have provided no legitimate reason why ICE should have been involved in this investigation. Rather, the evidence shows that Captain VanderKooi acted based on the fact that Mr. Ramos-Gomez is Latino.

We are also deeply troubled by the statement, both in in the Internal Affairs Unit report and in public statements by Interim Chief Kiddle that Captain VanderKooi contacted ICE to prevent Mr. Ramos-Gomez from being released from custody. Individuals who are arrested are not

released until a judge considers the appropriateness of doing so, and sets bail. Our criminal justice system has a mechanism for such situations, and if the GRPD was concerned about Mr. Ramos-Gomez's release, the appropriate procedure would have been to have the prosecutor raise those concerns when bail was set.

It appears Captain VanderKooi was trying to circumvent that process. As he is well-aware, and as evidenced by the Internal Affairs Report, the easiest way to prevent a person from posting bail is to get an immigration detainer issued. At the time, the Kent County Sheriff's Department was not allowing individuals to be released on bail when an immigration detainer was issued, even though there was no judicial warrant. The practical result was that when an immigration detainer was issued, Mr. Ramos-Gomez could not be released.

For these reasons, the Internal Affairs Investigation conclusion to exonerate Captain VanderKooi should be overturned.

2. The Evidence Also Establishes that Captain Curt VanderKooi Engaged in Biased Policing on the Basis of Disability Status.

The facts of this case also clearly establish that Mr. Ramos-Gomez's perceived mental disability played a role in Captain VanderKooi's policing decisions with respect to ICE. In addition to its prohibition on racial profiling, GRPD's Policy on Impartial Policing forbids GRPD officers from engaging in "any other bias based law enforcement practices." Disability is listed as a "specified characteristic" covered under the policy. Captain VanderKooi's email referring to Mr. Ramos-Gomez as "loco" and having "mad intent" show bias on the basis of Mr. Ramos Gomez's perceived mental illness. That bias played a role in Captain VanderKooi's contacts with ICE.

We are also concerned about the adequacy of the investigation into the sustained allegation of Discourtesy, particularly given that it appears that the response was simply some form of coaching. While we recognize that the CAB does not have the authority to impose discipline, we urge the CAB to consider whether all relevant information has been uncovered, so that those with responsibility for imposing discipline can properly assess what discipline should be imposed. This necessarily includes looking at past incidents to determine whether Captain VanderKooi's biased language here is part of a larger pattern of such conduct.

3. The Investigation Was Inadequate and Incomplete, and May Have Been Compromised by Conflicts of Interest.

As the above discussion indicates, the investigation was inadequate and incomplete and should be overturned on that basis alone. In assessing why the Internal Affairs Investigation reached the conclusions that it did, in contradiction of the great weight of the evidence, the CAB should specifically assess whether the investigation complied with Section F of the Internal Affairs Unit Policy in the Grand Rapids Police Department Manual of Procedures. That policy discusses conflicts of interest that affect the ability to conduct an objective and unbiased investigation, and defines conflicts of interest to include close social relationships. We are concerned that Captain VanderKooi's close social relationships with those involved in investigating his case and reviewing the charges may have compromised the process.

We also believe that the investigation left many questions unanswered. After we were informed of the preliminary results of the investigation, we provided the City with a list of questions, attached as Appendix B, and asked that they be addressed. Most have gone unanswered, and additional questions have arisen since.

We ask that the CAB review the questions we submitted previously, as well as those that have arisen since, identify any additional questions that should be addressed, and – as provided in City Commission Policy 800-02(3) – task the Labor Relations Division with conducting further investigation. See Appendix B.

REQUEST FOR CHANGES TO CIVILIAN APPEAL BOARD PROCEDURES

We recognize that the CAB's powers are extremely limited, and that the CAB cannot itself make the changes that are necessary for the police to be truly accountable to the public. There are, however, small steps that you as a Board can take to make the process at least a little fairer before this case comes before you.

It is our understanding that Mr. Ramos-Gomez's appeal will be heard on April 17, 2019. Under Section 7.2 of the Board's Bylaws, the Board has the power to amend its bylaws by a two-thirds vote, provided that notice of the intention to make such a change is given at the next preceding meeting.

We ask that, at a minimum, you make the following changes to your bylaws.

- Amend Section 6.5 to allow submission of additional evidence or information, and allow statements by the complainant, his or her representatives, and others with relevant information. The current process is entirely one-sided. The Board only hears from Internal Affairs, not from the complainant. While City Commission Policy 800-02(3) prohibits the Board from holding an evidentiary hearing, the requested change is not for an evidentiary hearing, and is therefore permissible under the policy. The Board is not examining witnesses. Rather, the complainant and other people with relevant information are providing that information to the Board.
- Amend Section 4.7, which concerns Public Comment, and Section 5.2, which concerns the Order of Business, to allow public comment prior to a Board vote on an appeal.

We encourage other organizations committed to police accountability to likewise recommend changes to your bylaws. The Board should provide notice at its March 20, 2019 meeting of these proposed changes, and then vote on them at its April meeting, prior to consideration of Mr. Ramos-Gomez's appeal.

In the event that the Board does not make these changes to the Bylaws that would permit us time to present information and argument, we specifically request such an opportunity under Section 4.7 of the Bylaws. That section allows the chair to permit a person to speak at any time for any length of time deemed appropriate by the Chair. We request that, if the Bylaws are not changed

as requested, we be provided with at least 30 minutes to make public comment, and that this occur prior to a vote on Mr. Ramos-Gomez's appeal.

Accountability is the first step in making sure that no one else suffers what Mr. Ramos-Gomez suffered. We urge you to take the first step.

Sincerely,

/s/ Miriam Aukerman
Senior Staff Attorney

/s/ Hillary Scholten
Michigan Immigrant Rights Center

Appendix A

Detailed Timeline of Events

November 21, 2018 (Wednesday):

8:32 a.m. Mr. Ramos-Gomez is arrested for an incident at Spectrum Hospital where he allegedly trespassed on the helipad after damaging a keypad. There is scorching under a sprinkler and some burnt items are found in his backpack.

- The forms of identification Mr. Ramos Gomez had with him when he was arrested according the Grand Rapids Police Department Police Report and his Inventory Property List stored at the GRPD included his:
 - U.S. passport-- which states that he was born in Michigan;
 - U.S. Marine Corps “dog tags”; and
 - Real ID-compliant driver’s license (which one cannot obtain unless one is lawfully present in the United States) that also identified him as a veteran.

11:42 a.m. - 11:55 a.m. GRPD Sgt. Griffin and Lt. Rogers interview Mr. Ramos-Gomez at the GRPD Detective unit. Sgt. Griffin texts with FBI agent Austin that the case involves “Vet, PTSD, But not a FBI issue.”

12:30 p.m. GRPD posts on the GRPD Facebook account about the arrest at Spectrum Health, noting that there was “minimal damage” and “no additional concern for danger.”

12:34 p.m. The GRPD issues a press release about an arrest at Spectrum Health, noting that there was “minimal damage” and “no additional concern for danger.”

3:51 p.m - 4:45pm. Lt. Kristen Rogers sends an email requesting an update on the following morning about the charges issued against Mr. Ramos Gomez and any special bond conditions. After one officer indicates that he is unable to follow up until Friday, November 23, Lt. Rogers assigns follow up to Det. Adam Baylis, who can respond the following morning.

4:02 p.m. A “Shift Summary” is sent to all sworn GRPD personnel. It contains information about the arrest of Mr. Ramos-Gomez, and includes his name and date of birth. The shift summary also states that “The Grand Rapids Police Department’s Detective Unit has taken custody of the suspect and is currently investigating the incident.”

5:00-6:00 p.m. According to the Internal Affairs report, Captain Vanderkooi stated that he saw reports regarding Mr. Ramos-Gomez’s arrest during either the 5:00 pm or 6:00 evening news. Either way, at 6:02 pm, Wood TV 8 airs an interview of Sergeant Dan Adams detailing the arrest, and names Mr. Ramos Gomez. *See* <https://www.woodtv.com/news/grand-rapids/suspect-arrested-after-hospital-incident->

[in-gr/1611179571](https://www.in-gr/1611179571). The story includes his booking photo, in which Mr. Ramos Gomez is recognizably Latino, and uses his last name, which is Latino as well.

7:40 p.m. Captain VanderKooi, who is off-duty and watching the news at home, sends an email to Derek Klifman, an ICE officer who works for a unit of ICE responsible for deportations of immigrants with criminal convictions. Captain VanderKooi's email asks: "Could you please check his status?" The description of the arrest from the "Shift Summary" is pasted into the message. Although the shift summary states that the GRPD Detective Unit "is currently investigating the incident," Captain VanderKooi claims that he did not consult anyone at GRPD regarding the status of the investigation before contacting ICE. According to the GRPD investigative report, Captain VanderKooi believed that Mr. Ramos-Gomez's actions were potentially related to terrorism. The report states that Captain VanderKooi's actions were motivated out of a concern that further investigation would not take place until Monday, November 26, 2018—at which point Mr. Ramos-Gomez might have already bonded out of jail.

November 22, 2018 (Thanksgiving):

1:08 am. Karen Johnson, whose email address indicates that she works for Kent County, sent the November 21, 2018 arrest log via email to ICE, the Department of Justice, and a "JBowman" (Joel Bowman of GRPD) from the City of Grand Rapids. The arrest log sent to ICE shows that the Grand Rapids Police Department is the arresting agency. It also shows that Mr. Ramos-Gomez's country of birth as "USA".

9:46-9:49 a.m. Det. Baylis, the assigned Detective presenting the matter to the Prosecutor for potential criminal charges, emails Lt. Rogers to update her about the charges authorized against Mr. Ramos-Gomez and the bond issued by Judge Distel. Det. Baylis calls Mathew Brinkman from Spectrum Health to update him on the status of the case and request an estimate of the cost of repairs. Det. Baylis also sends a follow-up email to Mathew Brinkman reiterating his request for an estimate of the cost of repairs

That morning Det. Baylis writes a report about his follow-up activities, including attaching video footage from the helipad at Spectrum to the case file.

November 23, 2018 (Friday):

6:27 a.m. ICE Officer Klifman forwards Captain VanderKooi's message without further comment to Matthew Lopez, a Deportation Officer with ICE's Enforcement and Removal Operations Division, which is responsible for deporting foreign nationals.

9:54 a.m. ICE Officer Lopez emails Captain VanderKooi about Mr. Ramos-Gomez: "I was able to interview that subject at Kent County this morning, and he is a foreign national illegally in the U.S. Thank you for the lead he will be coming into our custody when he is released from his criminal case. Let me or Derek know if you ever have any other good leads."

- Captain VanderKooi subsequently forwards that message to other GRPD officers upon returning to work on Monday.

November 26, 2018 (Monday):

9:27 a.m. Jana Forner, Grand Rapids Police Department, emails Det. Bayliss and informs Bayliss that “Capt. VanderKooi also mentioned he had been in contact with ICE about this guy. He was going to forward you his email conversation with them.”

9:32 a.m. Detective Bayliss responds to Officer Forner regarding a search of the interrogation video of Mr. Ramos-Gomez by Sergeant Griffin. Detective Bayliss was interested to see any statements Mr. Ramos-Gomez made to show his intent on November 21, 2018.

9:36 a.m. Upon returning to work, Captain VanderKooi forwards his email correspondence with ICE to Det. Baylis.

9:49 a.m. Captain VanderKooi emails ICE officer Matthew Lopez, copying ICE Officer Klifman and GRPD assigned investigator Det. Baylis. The subject line of the email is: “Spectrum Helicopter Pad Loco.” “Loco” is a Spanish language term meaning “crazy.”

- The email states: “It is not clear what mad intent was involved in this breach of hospital security but here is the report.” A copy of the police report (which noted that Mr. Ramos-Gomez’s passport was found on him when he was arrested) is attached.

1:27 p.m. — 3:40 p.m. Spectrum Security reports that the value of the damaged keypad is \$120.65, “So not even \$200” (which is necessary if Mr. Ramos-Gomez is to be charged with misdemeanor destruction of property over \$200, one of the charges previously authorized by prosecutor Daniel Helmer). Prosecutor Helmer responds: “Well, can we say labor to install and time spent to wipe off the soot?” Detective Bayliss responds “word.”

3:43 — 3:59 p.m. Det. Baylis forwards the message from ICE to Prosecutor Helmer, noting “Also looks like ICE will be taking custody upon release for a period of time...”

- Prosecutor Helmer immediately responds: “I am confused. Didn’t his property have a US Passport in it? And he was a veteran?!”
- Det. Baylis responds: “Who knows, not sure it was a US passport.... I am not sure about the vet thing.”

December 14, 2018 (Friday):

ICE takes Mr. Ramos-Gomez into custody when he is due to be released from the Kent County Jail, and transports him to immigration detention in the Calhoun County Jail.

December 17, 2018 (Monday):

Mr. Ramos-Gomez is released from Calhoun County Jail after intervention by his family's attorney.

January 18, 2018 (Friday)

Mr. Ramos-Gomez' attorneys obtain his personal items from the possession of the GRPD evidence locker, which contains numerous forms of identification establishing Mr. Ramos-Gomez is a United States citizen and Marine veteran.

APPENDIX B:

Questions for the City of Grand Rapids Investigation Into

Complaint Regarding Jilmar Ramos-Gomez

Policies and Procedures:

- Under what circumstances may GRPD officers contact ICE? Are there any written policies or training materials instructing GRPD officers about when contacts with ICE are or are not permitted?
- Who do GRPD officers typically reach out to when domestic terrorism is suspected?
- Is there a protocol/procedure for potential terrorism investigations? If yes, was it followed by Captain VanderKooi? If not followed, why did he depart from the procedure?
- Under what circumstances are contacts with federal authorities by GRPD officers (including but not limited to Department of Homeland Security) documented in writing, and where is this information recorded? Under what circumstances must supervisors, including the Police Chief, be notified when federal authorities are contacted?
- What policies or procedures does the GRPD have to protect individuals with mental health issues or mental disabilities during investigations?

Outstanding Factual Questions:

- When and how did Captain VanderKooi first become aware that the other officers had interviewed Mr. Ramos-Gomez and concluded that the incident was not likely to be terrorism? When did he first speak with them and read their reports? If he did not speak to them or read their report before contacting ICE, why not? If he spoke with them or read their reports after contacting ICE, did he follow up with ICE thereafter?
- After Captain VanderKooi was informed by ICE that they believe Mr. Ramos-Gomez was a foreign national, did Captain VanderKooi ever inform ICE that Mr. Ramos-Gomez is a U.S. citizen? If not, why not?
- Has Captain VanderKooi ever worked on an investigation, partnership, or task force that involved the FBI? It appears that he spent time at the FBI National Training Academy. Given that, what was it that made him want to contact someone from Immigration and Customs Enforcement, Enforcement and Removal Operations Division, instead of someone from the FBI regarding his terrorism concerns? Does Captain VanderKooi have any professional contacts in the FBI?
- Captain VanderKooi apparently indicated that he saw the situation as time sensitive. Did Captain VanderKooi follow up with ICE about Mr. Ramos-Gomez's "status" when ICE did not immediately respond? If not, why not?

- Did Captain VanderKooi or the GRPD do any additional investigation into terrorism? Did VanderKooi talk to anyone or follow up with anyone about having checked with ICE or in any way coordinate with a possible ongoing investigation by the GRPD? Does he normally rely solely on ICE to investigate pressing terrorism cases where time is of the essence?
- Did Captain VanderKooi respond to Matthew Lopez's email regarding Mr. Ramos-Gomez's immigration status? Did Captain VanderKooi share the email from Matthew Lopez to anyone else?
- Does Captain VanderKooi have access to police incident reports from his home?
- Did Captain VanderKooi ever look at the items gathered during the investigation, including the passport?
- What role, if any, did Captain VanderKooi have in the investigation of Mr. Ramoz-Gomez? Was he a supervisor of or responsible for the officers who arrested and interviewed Mr. Ramoz-Gomez? Was Captain VanderKooi in charge of the investigation? If he was not part of the investigation, on what authority did he insert himself into an investigation without contacting any other members of the GRPD before or after? Is there anyone to whom he should have reported his contact with ICE to?
- What communications did Captain VanderKooi or other GRPD officer have with ICE after it came to light that Mr. Ramos-Gomez is a U.S. citizen?

Past History

- When were the last five times that the GRPD contacted ICE for possible terrorist related activity? What was the basis for contacting ICE for each such incident and what was the race/ethnicity and nationality of the person suspected?
- In what other contexts has Captain VanderKooi contacted ICE? Has he ever requested that his ICE contact check on someone's "status"? How often? What were the last 15 contacts prior to this incident where Captain VanderKooi contacted ICE?
- The other times that Mr. Ramos-Gomez was arrested by the GRPD and not turned over to ICE, did Captain VanderKooi have any involvement or knowledge of those incidents?
- Have there been any complaints made against Captain VanderKooi of racial bias in policing? If yes, how many?
- Have there been any prior internal or external investigations into racial or national origin bias regarding Captain VanderKooi? If so, how many? What were the outcomes of the investigations? Has he ever been determined to have engaged in racially/nationally origin biased policing? Have any civil lawsuits been filed against Captain Vanderkooi for any racial/national origin based biased policing?