

# PSIA Report

## Incident Details

## Incident Location

Date Received	05/13/2024	Location of Occurrence	East District
Entered By	SGT Theresa Magyera - [REDACTED]	5702 Femrite Drive Madison, WI, 53718	
Date/Time of Occurrence	05/09/2024 11:45		
Date/Time Entered	05/13/2024 16:55		
Record ID Number	16088		
Case #	—		
Tracking #	2024PSIA-0052		
Madison PD BlueTeam 6 Assigned Investigator	[Pending assignment]		
IAPro Assigned Investigator	Sgt Ryan Gibson		

## Incident Summary

At lunchtime on Thursday, 5/9/24, Rene Gonzalez, [REDACTED] and myself were eating at the table. A conversation was started about [REDACTED] attending a retreat, as it was marked on a dry erase scheduling board in our upstairs workspace. Rene asked the group of us, "Is this one of [REDACTED] naked retreats?" I ignored that statement, as it has been said frequently by Rene in the past. I attempted to change the subject with [REDACTED] but he then asked, "Is this a naked, gay retreat?" I immediately got up from the table and went to wash my lunch dishes. I went back to the table where conversation was still occurring and Rene asked, "Is this a retreat where people don't look each other in the eyes?" I said, "I don't know." I returned to my office. I believe this falls under the mandatory reporting for APM 3-5, so I am documenting and reporting this incident.

Rene and I have had several conversations about professional communication with others due to other incidents at the Training Center in the past. He has used profane language with me as his supervisor, used profane language with another employee and threw a rifle magazine at a recruit last year. All incidents were documented and I notified my chain of command at the time of occurrence.

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 Determination Hearing was on 9-30-24.

Finding: 1 day suspension, held in abeyance for one year from date of incident, 5-9-24.

## Reporting Employees

SGT Theresa Magyera - [REDACTED]

Assignment at time of incident [REDACTED]

Role —

Officer Rene Gonzalez - [REDACTED]

Assignment at time of incident [REDACTED]

Role —

Linked Allegations APM 3-5, Prohibited Harassment and/or Discrimination ( Sustained - 09/30/2024 )  
▪ Suspension - 09/30/2024

### Employee Witnesses

[REDACTED]

Assignment at time of incident [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Role —

[REDACTED]

Assignment at time of incident [REDACTED]  
[REDACTED]  
[REDACTED]

Role —

### Attachments

No Attachments

### Assignment History

05/14/2024  
10:37



Sgt R Gibson  
Field status changed in IAPro from In chain to Released

05/14/2024  
10:37



Sgt R Gibson  
Released back to IAPro

### Chain of Command History

05/13/2024  
17:00



Gouran Captain Angela Kamoske Captain Angela Kamoske LT. Eric Vosburg SGT Ryan Gibson  
SGT Ryan Gibson )

Please see attached document.

V/R

Sgt. Theresa Magyera

05/14/2024  
10:37



Training

Routing was NOT completed in BlueTeam. The incident was moved into IAPro  
by IAPro user Sgt Ryan Gibson

Signature line \_\_\_\_\_

**Assigned Investigator Signature Line**

\_\_\_\_\_

[Pending assignment]



CITY OF MADISON POLICE DEPARTMENT



INTRA-DEPARTMENTAL CORRESPONDENCE

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DATE: 5/13/24

TO: PSIA

FROM: Theresa Magyera, Sergeant

SUBJECT: **APM 3-5 Mandatory Reporting**

At lunchtime on Thursday, 5/9/24, Rene Gonzalez, [REDACTED] and myself were eating at the table. A conversation was started about [REDACTED] attending a retreat, as it was marked on a dry erase scheduling board in our upstairs workspace. Rene asked the group of us, "Is this one of [REDACTED] naked retreats?" I ignored that statement, as it has been said frequently by Rene in the past. I attempted to change the subject with [REDACTED], but he then asked, "Is this a naked, gay retreat?" I immediately got up from the table and went to wash my lunch dishes. I went back to the table where conversation was still occurring and Rene asked, "Is this a retreat where people don't look each other in the eyes?" I said, "I don't know." I returned to my office. I believe this falls under the mandatory reporting for APM 3-5, so I am documenting and reporting this incident.

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CITY OF MADISON POLICE DEPARTMENT



INTRA-DEPARTMENTAL CORRESPONDENCE

DATE: July 31, 2024

TO: Shon F. Barnes, Chief of Police
FROM: Sergeant Ryan Gibson
SUBJECT: 2024PSIA-0052

Initial Complaint

The following is the complaint memo sent by Sergeant Theresa Magyera, the Sergeant of the Madison Police Training Team.

At lunchtime on Thursday, 5/9/24, Rene Gonzalez, [redacted] and myself were eating at the table. A conversation was started about [redacted] attending a retreat, as it was marked on a dry erase scheduling board in our upstairs workspace. Rene asked the group of us, "Is this one of [redacted] naked retreats?" I ignored that statement, as it has been said frequently by Rene in the past. I attempted to change the subject with [redacted], but he then asked, "Is this a naked, gay retreat?" I immediately got up from the table and went to wash my lunch dishes. I went back to the table where conversation was still occurring and Rene asked, "Is this a retreat where people don't look each other in the eyes?" I said, "I don't know." I returned to my office. I believe this falls under the mandatory reporting for APM 3-5, so I am documenting and reporting this incident.

Rene and I have had several conversations about professional communication with others due to other incidents at the Training Center in the past. He has used profane language with me as his supervisor, used profane language with another employee and threw a rifle magazine at a recruit last year. All incidents were documented and I notified my chain of command at the time of occurrence.

Interviews

After reviewing Sergeant Magyera's memo, I determined before interviewing PO Gonzalez, I would first interview Sergeant Magyera, [redacted] and [redacted]. [redacted] is [redacted] and PO Gonzalez is a full-time year-round member of the Madison Police Training Team. PO [redacted] is [redacted].

Interview With Sergeant Magyera

General Information On Retreats [redacted] Attends

Sergeant Magyera stated that [redacted] is known to go on retreats as it relates to [redacted] [redacted]. The following is her general understanding of the retreats [redacted] attends.

A: So [REDACTED] [REDACTED] and he's very much into, I would say, like holistic medicine or holistic thinking and behaviors and all kinds of stuff. And so he does go to these silent retreats. He's been to, I'm trying to think of what they're called. Like in a big hut kind of, like a, I don't want to call it a sweat lodge but I compare it to that where they like meditate for hours and they do a lot of mindfulness thinking. So we know this about [REDACTED] and like it's, we have an intimate work group and an environment that you work in every single day. And so a lot of people knew that those things are important to [REDACTED], if that makes sense.

### **How The Retreat Topic Came Up**

While the group of officers (Listed in the initial complaint by Sergeant Magyera), were having lunch together, there is a dry erase board with training officers' schedules. The board showed that [REDACTED] was going to be attending a retreat.

Q: All right. Okay. And in your memo that you sent to us, there was a conversation that started about [REDACTED]. And [REDACTED] stenos, is [REDACTED]. And [REDACTED] is [REDACTED] attending some sort of a retreat and it was marked on a dry erase scheduling board in that upstairs workspace. Explain what that board is for.

A: So we use that as our kind of an internal schedule so that all of us know who's working any given days, just because of the academy schedule being very full. It's basically a grid that has everybody's hours up on it with all our names in the building, except for commanders and professional staff.

A: So that's kind of like the retreats that he likes to go on. He spends his own money. He uses his own time and he traveled, he's traveled to various places to go on these retreats so it's pretty well known. And when he put "retreat" up there, like that's what I was referring to when I brought it up. Like "Huh, where's [REDACTED] going next week?" Like that was kind of how the whole conversation like kicked off.

### **Inquiring If It Was A Naked Retreat**

Q: All right. Now, as you, the four of you, are there having lunch, you put in your memo that PO Gonzalez asked something about the retreat, [REDACTED] retreat, and it was quote "Is this one of [REDACTED] naked retreats?" Does that sound accurate?

A: Yes.

Q: All right. Have you ever seen PO Gonzalez make these comments similar to this to [REDACTED] himself?

A: *He's made the naked comments to [REDACTED] before. He's made it, like these are things that we have talked about and I have, as his supervisor, talked with him about, about being a leader on our team because he's the most senior police officer because he's the most senior on our team. So these are conversations I've had with him that he can sway the direction of the team. And the way he behaves, whether it's fortunate or unfortunate, he sets the tone for sometimes team meetings, how people respond to supervision, supervisors, the way he can undermine authority in the way he does things. And so I think that sometimes it's his goal is to be kind of the nay-sayer or maybe the one that goes against the grain, which can be helpful in some situations, right? Like we want people to not just agree with everything that's going on, especially at training. But in a way that's respectful and so we've had conversations about respecting other employees, about not belittling [REDACTED] for other things. [REDACTED] seems to be just an easy target for Rene sometimes.*

### **Inquiring About The Retreat As A Naked, Gay Retreat**

Q: *Okay. You said you kind of ignored that statement because it is said frequently by him in the past. You then attempted to change the subject with [REDACTED], but during that time he then asked quote "Is this a naked gay retreat?" end quote. Is that accurate?*

A: Yes.

Sergeant Magyera did not recall anytime prior, that PO Gonzalez made a comment/inquired about [REDACTED] retreats being referred to as a gay retreat, but he has referred to them as naked retreats before.

### **Comment About Retreat Where Nobody Looks Each Other In The Eye**

After PO Gonzalez asked if the retreat was a naked, gay retreat, Sergeant Magyera left the table where they were eating lunch to wash her lunch dish. When she returned (she estimated she was gone less than two minutes), PO Gonzalez asked if this was the type of retreat where nobody looks at each other in the eye. Sergeant Magyera stated she did not know and returned to her office.

Q: *Okay. At that point, you stated that you got up from the table and went to go wash your lunch dishes. When you came back to the table, that conversation was still occurring and PO Gonzalez asked quote, "Is this a retreat where people don't look each other in the eyes?" end quote. Is that accurate?*

A: Yes.

Q: *Okay. Then you said that you didn't know and you just returned to your office. Is that accurate?*

A: Correct.

Q: *What did you take that to mean?*

A: *I was, at that point I was just irritated that the conversation continued. And I didn't know what path he was going down. I've worked with Rene a lot. He likes to poke at things. And so continuing these conversations with him, to me, is not only undermines me as a supervisor but it also is the conversation at large. It's like okay, I'm walking away from this because I'm not going down this path with you, right? We, he already made the inappropriate comment and then tried to like defend it a little bit. Which I didn't, I didn't put in this memo. But when he, when he revised his statement, he was like, "I meant to say a si-, a naked silent retreat."*

Q: *When, when he asked that, "Is this a retreat where people don't look each other in the eyes?" and you said you didn't know and you returned to your office, did you have an idea as what he might be referring to?*

A: *I didn't. I guess looking, I mean, I look back now and I've like replayed this conversation over in my head. I didn't know what he meant. If he meant like the way people have sexual intercourse. Like I just, I didn't know what he was going by. I don't know if he meant like people don't, I don't know any retreat where people don't look themselves in the eye. So I didn't really know what path, the direction it was being taken.*

#### **PO Gonzalez Stating What He Meant To Say**

After PO Gonzalez asked if [REDACTED] retreat was a naked, gay retreat, Sergeant Magyera stated that PO Gonzalez tried to explain what he meant to say. As noted above, she stated he *"tried to like defend it a little bit. Which I didn't, I didn't put in this memo. But when he revised his statement, he was like, "I meant to say a si-, a naked silent retreat."*

She also stated the following:

*But when I told him that I was, this had been sent, that I was documenting it I did it in front of Sergeant Tieu, who was a sergeant out at the training center as well. I wanted a witness because I know how unpredictable Rene can be in those meetings. Sometimes he's totally fine and other times he's not. He immediately got very flushed, stuttered, and then said, I meant to say naked silent retreat. And I said well it crossed a line and I, there was nothing else I could do. And then he immediately his face kind of went stone cold and he just said, he was like, I see what this is Theresa. And I said, Okay. We're done. And I opened the door and let him walk out.*

Q: *When, when PO, when Officer Gonzalez is saying to you, "I meant to say is it a naked silent retreat?" did you take that to mean he didn't mean to say gay retreat? Is that how you took that?*

A: *I just felt like he was trying to, at that point knew that he said something inappropriate and was just trying to cover it up. Because I'm like what, in what world do you live in that two words are interchangeable? To me, they're not so*

Q: *And the two words you mean are?*

A: *Gay and silent. Those to me are just not, not words that are commonly interchangeable.*



*Gouran: I do. You talked about, for my clarification, you talked about how he had changed his comment trying to correct gay to silent and he told you that's what he meant. I wasn't clear. Did he say that immediately when it happened or only when you notified him that you had reported this?*

*A: Oh, man. I feel like he said it that day at the table as I was walking away I believe. But it wasn't loud. I don't remember it being like a significant like "woo", do you know what I mean? Like an admission of like "woo, I should not have said that." It was, it was felt like covering up maybe. So I do believe, yes, he said that.*

*Gouran: But you had a second conversation when you notified him in front of the other person*

*A: Yes*

*Gouran: That you reported and he also said*

*A: He also said it there. Yes. Correct.*

*Gouran: Do you think he meant gay when he first said it and then changed it to silent when it dawned on him that was maybe inappropriate?*

*A: I think he has used that term and I think it's a common term that just came out of his mouth. And I truly think he meant gay and not silent. And I think silent was meant as a cover up to like "crap, I said that. I shouldn't have. I'm going to change it to a different word." I think.*

***Sergeant Magyera Reference If PO Gonzalez Was Aware She Did Not Like The Retreat Conversation***

*Q: Did you think the path was appropriate, inappropriate, or you just didn't know on that question?*

*A: I felt like it was continuing to be inappropriate because I think when I got up from the table, yet again, I can't remember if I said "Not okay" or if I just walked away silently. I just, I cannot remember.*

*Q: That was my next question.*

*A: Yeah.*

*Q: Was there anything that you said or by your actions or anything that that that you felt that PO Gonzalez would know that maybe you weren't too happy with this conversation?*

*A: Yeah. That's what I'm trying to like remember. Honestly, I feel like I tri-, I looked at [REDACTED]. I remember washing my dishes and looking at [REDACTED] and shaking my head. But where our table's at and where we sit and the, the sink, I don't know, it's probably like 25, 30 feet away. I don't know, maybe. I'm really bad at guessing distances. So I couldn't really see if she understood that I was mad but where Rene sits at our table. If this is the table and I'm showing a rectangle on the page with, he sits at like the head of the table which his back would be towards the sink.*

Q: *So the sink is upstairs*

A: *---- no way. The sink is upstairs in the corner. And so I was behind him. So he wouldn't have seen me but I thought it was abrupt enough that I was like I got immediately up from the table and I walked away. And then I just said "I don't know" when I came back and then I walked into my office. So*

**Interview With [REDACTED]**

My interview with [REDACTED] was recorded and transcribed. [REDACTED] elected not to have a union representative with her. I was the only one from PSIA reference this interview.

[REDACTED] current position is [REDACTED], and works out of the [REDACTED]. [REDACTED] did recall having lunch with the others Sergeant Magyera noted in her memo that took place on 5-9-24.

**[REDACTED] Reference PO Gonzalez's Statement About The Retreat**

Q: *Okay. All right. During that time, do you recall anyone there making some sort of comment or comments about the retreat that [REDACTED] was going to be attending?*

A: *Yes.*

Q: *What do you recall about that?*

A: *We were, there's always kind of been like a running joke about [REDACTED] going to these retreats and he's very like holistic and likes yoga and all that so it's like oh, he's going to go to like a, the darkness retreat and go into the dark for three to five days. And we like to give him a hard time about this. And that has kind of spiraled into "oh, it's like a naked retreat," for like couples and it's just kind of like a running joke. So the conversation as like "oh, look, he's going to his retreat that he's going to attend."*

Q: *Do you remember anything specifically that PO Gonzalez said about the retreat?*

A: *Yes.*

Q: *What do you remember him saying or asking?*

A: *We were, again just kind of this ongoing joke and we're like, you know, looking at the board like "oh look, he's actually going to this." And then somehow because the joke revolves around "oh, it's like a naked retreat," we then got onto the topic of the naked bike ride in Madison. And we were just talking about that and the history and all the officers on the training team have worked at MPD for generally a long time so they were kind of, you know. We just always talk about like "well that never used to be a thing and it's kind of a more recent thing," and just sometimes its kind of surprising the events that happen in Madison and what we're supposed to do as police officers. And then Rene had said, "Oh yeah, the gay bike ride," or something like that. And then he was like "no, no, no. I mean the naked bike ride." And then he corrected himself.*

Q: Okay. All right.

A: I think.

Q: Okay. No. Okay. Do you remember him asking to the effect of or close to verbatim, do you remember if he asked the question, "Is this one of [REDACTED] naked retreats?"

A: I think he, yeah. Yes.

Q: Okay. And then do you remember if he asked the question, "Is this a," and again, to the effect of, not necessarily verbatim but, but, do you remember him asking, "Is this a naked gay retreat?"

A: Yes.

**[REDACTED] Reference PO Gonzalez Correcting Himself**

Q: Okay. And just to make sure I'm clear, what did he say where he said one thing but then he kind of corrected himself? Please go to that again?

A: He said it's, something to the effect of "Oh yeah, that's the gay retreat." And then he was like, "No, no, no. It's the naked retreat."

Q: Okay. When he corrected himself on that, was that, was that right away after he said it?

A: Immediately, yes.

Q: And when, when Rene, when Officer Gonzalez corrected himself, did you take that as genuine?

A: Yes.

**[REDACTED] Reference Statement Reference Not Looking Each Other In The Eyes Comment**

Q: Okay. Do you remember him asking anyone, and again close to the effect of if not verbatim, "Is this a retreat where people don't look each other in the eyes?"

A: I don't remember.

Q: You don't remember that.

A: Yeah

**[REDACTED] Reference Her Observation Of Sergeant Magyera**

Q: Okay. Was there anyone at the table, based on your observations, that appeared that they weren't happy with comments made by Rene in regards to [REDACTED] retreats?

A: Yes.

Q: Okay. Tell me who that was who might not have been happy about that.

A: Sergeant Magyera.

Q: Okay. What do you remember her saying or doing?

A: We all just kind of like laughed, you know, nervously in a way. And then I could tell based on her composure and no expression that she didn't appreciate the comment.

#### **Reference PO Gonzalez And Working Together**

Q: Okay. Okay. Thank you, [REDACTED]. In your observations since you've been there really since [REDACTED] and then your more permanently later but you've been there since then due to [REDACTED] for a stint there, does it appear to you that, that Officer Gonzalez and [REDACTED] get along well?

A: Yes.

Q: Okay. Have you ever heard Officer Gonzalez talk about [REDACTED] retreats actually to [REDACTED] himself?

A: That I don't know.

#### **Reference Retreats Attends**

Q: Okay. All right. So lets go back to the retreats themselves. What do you understand them to be in general again, like yoga retreats, survival in the wilderness retreats, what do you, what do you understand these retreats to be? And it might not be, it might be

A: Yeah

Q: Different retreats too.

A: I think they are him. He's very into like wellness [REDACTED] [REDACTED] So how to breathe, how to deescalate yourself in a situation. Obviously, what he has been through as well, he needs to kind of have that inner side of him that allows him to not get so caught up in everything that's happening around him [REDACTED] [REDACTED] With that, has gone to these retreats that are about, you know, kind of finding your inner peace, how to breathe, how to, I guess, like deescalate yourself when you're in a situation maybe on the street or in a different setting. And it's very much just like investing in yourself is what I've found. I don't know if there's yoga but that's kind of what I think of. Just like meditation, very much like self-reflection.

#### **Interview With [REDACTED]**

My interview with [REDACTED] was recorded and transcribed. Also present for the interview was Detective Sergeant Dave Gouran. [REDACTED] elected not to have a union representative with her.

works as

, such as Sergeant Magyera, PO Gonzalez, and

did recall having lunch with the officers noted in Sergeant Magyera's memo.

#### **Reference How Retreat Topic Started**

*Q: Okay. All right. Do you remember how the subject of retreat came up?*

*A: I don't recall exactly but I do believe we were looking at people's schedules on the board and it had something to do with him off for his retreat. And so then we got to talking about his retreat.*

#### **Reference Her Understanding Of The Retreat**

*Q: Okay. When you see retreat that he is attending, what to your knowledge, is types of retreats are there, is it?*

*A: For , it's typically like a mindfulness type retreat. His was a silent retreat, I believe, this time.*

*Q: Okay. And also, he's like*

*A: Correct.*

*Q: He's like what we call, refer to as sort of an expert in that field?*

*A: I would say that, yes.*

#### **Reference Comment Of Naked Retreat**

*Q: Okay. All right. What kind of things do you remember being said about and the retreat?*

*A: Something to the effect of previously, I mean, it's been referred to Rene, Rene refers to it sometimes as the naked retreat because one time told Rene about it and stated that you have to maintain custody of your gaze, like keep your eye, you have to maintain custody of where your eyes are, essentially that's what described it as. And so then I think way back when, it didn't start just that day, Rene had made some reference to like a naked retreat because you have to maintain custody of your gaze.*

*Q: And when you say gaze, you do refer to that as like spelt like GAZE?*

*A: Correct*

#### **Reference Comment Of Naked Gay Retreat**

*Q: Okay. All right. Okay. All right. Do you remember him saying anything to the effect of, "Is this a naked gay retreat?"*

*A: I did not hear "naked gay retreat." I heard the word naked but it had been stated multiple times at the lunch table by him.*

**Reference Comment Of Not Looking Each Other In Eyes**

*Q: Okay. And did you ever hear him ask something to the effect of, and we're talking about Officer Gonzalez, "Is this a retreat where people don't look each other in the eyes?" Did you hear something like that?*

*A: Something to that effect.*

*Q: Okay. What do you think he meant by that?*

*A: That you have to maintain custody of your gaze. I think he was referring to what [REDACTED] had hold him.*

**Reference Her Observations Of Sergeant Magyera**

*Q: Okay. [REDACTED], from anything that was said there or by observation, did it appear that anyone there was not happy with Officer Gonzalez in that subject matter?*

*A: When it, not during our conversation at the lunch table. It wasn't until Sergeant Magyera had gone over to the sink area to wash out her Tupperware, she had given me some type of eye-look like she was trying to tell me something with her eyes. But I didn't know what she was trying to tell me. So I could tell something was up, like something had bothered her but I didn't know what at the time.*

*Q: Did you find out later?*

*A: Yes.*

**Reference Being Asked What She Heard**

*Q: When you said you, you learned later what Sergeant Magyera was, you know, sort of looking at you for and things like that and you said you found out later, that was before I sent the interview notice?*

*A: Correct.*

*Q: Okay.*

*A: Yeah.*

*Q: All right. And what were you told about it?*

*A: She had just asked me, she pulled me in her office and she asked if I had heard what Rene said at the table the other day at lunch. And I said "are you talking about him referring to it as a naked retreat?" And then she said that she thought she heard the word gay in there. And I said I didn't hear that. I just heard naked. He, honestly he's said it so many times that it just kind of like went on eating my lunch and I was like "oh, he's talking about what he believes is the naked retreat again." So I wasn't really like engaged in what he was saying.*

### **Interview With PO Rene Gonzalez**

My interview with PO Gonzalez was recorded and transcribed. Also present for the interview was [REDACTED]. Detective Sergeant Dave Gouran was also present for the interview. PO Gonzalez has been a full-time member of the training team since 2017 and was hired by MPD in 1996.

### **PO Gonzalez Reference Background On [REDACTED] Retreats**

PO Gonzalez first gave me some background information reference [REDACTED] and the Silent Retreats he attends.

He informed me that he has worked with [REDACTED] [REDACTED] and also since he has been on the training team. [REDACTED] for some time now, would talk about the retreats he attends.

PO Gonzalez stated that one of the components is you are not allowed to talk the entire time you are there. A second component is you cannot look at anyone. The term that [REDACTED] uses to describe it is to the effect of, "Maintaining the custody of your gaze." A third component is you are not allowed to bring your cell phone.

With the information that you cannot look at anyone, speak to anyone, or bring a cell phone, a joke became, is this also a clothing optional retreat? The "clothing optional" term morphed into it being a "naked" retreat. PO Gonzalez stated that it has been referred to as a "naked retreat" to [REDACTED] himself, and he has smiled about it and seems to think it is funny also.

*Q: Thank you. Okay. And I would just ask you this, what do you recall about that as far as when the topic of [REDACTED] attending a retreat soon?*

*A: So we were eating lunch at the table and everybody was having just casual conversations. We have our white board that tells our schedule on the side there. It has our names, the dates for the week and then someone at the table had asked about, you know, cause there's, it's kind of a small group for us upstairs 'cause there's more people that obviously work up there and so we were just kind of inquiring about where everybody was at and then someone had made a comment about [REDACTED] 'cause it said something thing, [REDACTED] schedule said retreat. And so then they're like well oh what retreat, what retreat is that. So back story is that [REDACTED] goes to a and has for a number of years, [REDACTED]. He goes to a what he has talked about in the past and what we all have kind of inquired with*

him in a, I guess light-hearted manner like so [REDACTED] goes to a silent retreat and so when, when he first started going to this 'cause I've worked with [REDACTED] [REDACTED] when he was [REDACTED] and then on the training team [REDACTED] [REDACTED]. So when he first came up with, when he first informed us of this, we were asking about it because it's a silent retreat and every like year he would that he goes to it, he would, you know like we'd talk about it more and more and more or at least ask him more and more and more about it just out of like conversational stuff. And so the gist of this retreat is that you can't talk the whole time you're there and so then, you know, when we first heard about it about we were like what, that's, and like how does that even work dude like and, and just you know interested in his retreat and I guess in his life in general and so I figured like a couple years ago, he disclosed that, I don't want to say disclosed that makes it sound too formal but he's also, we were talking more about it and he's like yeah and another thing is that you can't look at anybody and so we were like you can't talk and you can't look at anybody for a whole week. And he's like no and so we're all laughing and he's laughing too and again this is, you know, conversation and so I'm like and ah, and he's like they have a term for it, they call it like maintaining the custody of your gaze. And so and I was like wow like when you hear that stuff it's like interesting but it's also like I could never do that, you know, good for you, whatever and so, so that term maintain the custody of your gaze has been used, you know, in a joking manner if it was ever applicable in training environment. And a few years back I'm like wait a minute, you can't take your phone with you, the other thing is you can't have your phones with you. And so he's telling us all about this retreat and I'm like [REDACTED] like is this, is this like a, is this a clothing optional thing too 'cause you always hear, you know and he's laughing and the others laughed, you know, again this is like a couple years ago 'cause like you can't look at anybody, you can't talk and no cell phones like, you know like what kind of retreat are you going too? And then, you know, he would laugh about it and so forth.

### **PO Gonzalez Reference Using The Word Gay For Retreat**

PO Gonzalez stated that on the whiteboard, it had the retreat for [REDACTED] on there. Since [REDACTED] and [REDACTED] [REDACTED] PO Gonzalez stated he did not know if they were aware about how unique the retreats are.

PO Gonzalez stated he asked, if this his naked (and then he stopped). At that point, he stated he was trying to think of the other component of the retreat, which is silent. He then stated that he said, is this that naked, gay, nope, and then sated, naked, silent retreat. PO Gonzalez stated as soon as he said the word gay, he immediately corrected himself (In my interview with [REDACTED], she also stated he immediately corrected himself).

A: *So anyway on this date and time, when it said retreat on the schedule on the white board and [REDACTED] is a, kind of filling in for, for training so she's an adjunct and [REDACTED] [REDACTED] and I don't know if they've been part of this, of you know this discussions in the past with [REDACTED] about this retreat and how unique it is and so when somebody asked about the retreat, I'm like oh I'm like wait a minute, it's that time of year again, [fingers snapping] is this his naked and I was trying to think of the other component of silent but I said is this that naked gay, nope I said then naked gay and then right*



*immediately after I said gay I said nope can't say that and, and I'm like naked silent retreat and then the discussion went on.*

### **PO Gonzalez Explaining Why He Used The Word Gay**

PO Gonzalez stated that after he said that, he was trying to think why he would use the word gay instead of silent (a component of the retreats he was trying to remember). He informed me that the "Naked Bike Ride" in Madison was coming up soon (It occurred on 6-15-24). PO Gonzalez stated he was familiar with that event and has worked that event before. He stated that there are Pride Flags that are displayed during that event. With that naked bike ride being a public event, and that he has worked the event and seen Pride Flags displayed, that is why he used the word gay instead of silent.

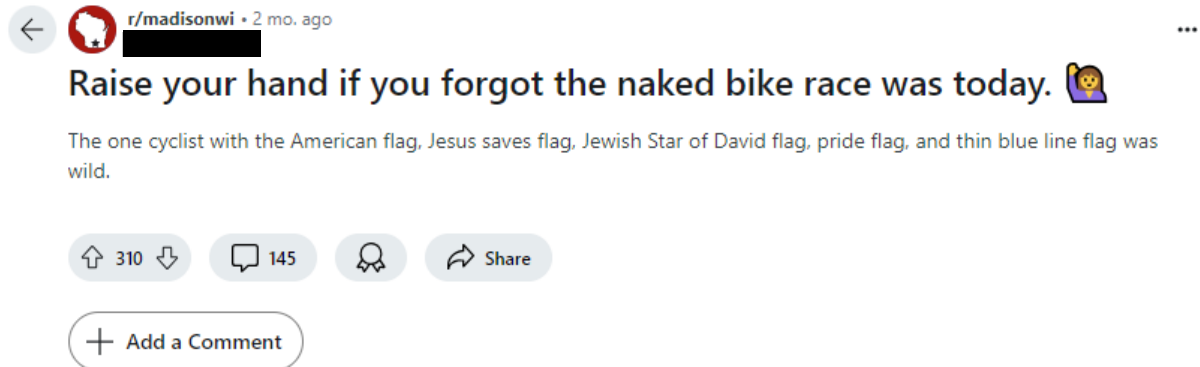
*A: So I'm, so afterwards I'm thinking well why did I even say gay in the first place right and so I'm thinking the only naked I guess festivity or activity that I could think of or that came to my mind 'cause in June in a few weeks from this date was going to be that, the naked bike ride right and I worked that in the past and a component of that naked bike ride is generally there's a lot of gay and lesbian and transgender, you know, there's a lot of rainbow flags up there and so that's 'cause I'm thinking to myself 'cause I, 'cause I don't talk about, I don't joke about, you know, gay, you know, this or gay that or whatever so I'm thinking like \_\_\_\_\_ self like why did that word even come to my mind and I'm thinking well I wonder if it's 'cause of that, you know, is that thing. That's the only gay or that's the only like naked event I could think of that would be like a not like a retreat but you know a, a, a public event if you will. So anyway so I said right after the word, immediately afterward that came out of my mouth I'm like nope, nope, can't say that and then the, and then the conversation just kind of carried on or something. I don't, I don't remember actually what discussion happened after that but it was nothing more about, although I think I corrected I just said naked, nope silent retreat, I said the silent retreat and then and then I think that was the end of that discussion.*

### **PO Gonzalez Reference The Context Of Using The Word Gay**

PO Gonzalez stated in no way at all, was he using the term gay in a derogatory meaning towards someone's sexual orientation, nor did he use the word gay to refer to the retreat as being lame or anything like that.

### **Comment From Citizen Reference Madison Naked Bike Ride**

The Naked Bike ride in Madison took place this year on 6-15-24 Below is a comment from a citizen reference the different flags observed from 6-15-24. PO Gonzalez stated he was familiar with the event, and he has seen Pride Flags displayed during the event.



### **PO Gonzalez Reference Any Awareness Sergeant Magyera Did Not Like The Conversation**

PO Gonzalez stated he did not recall Sergeant Magyera saying anything or her doing anything that gave him a sense that she did not like the conversation (Sergeant Magyera a few days later would let him know she made PSIA aware).

*Q: Thank you. Okay. And did you ever get a sense specifically Sergeant Magyera was unhappy about the conversation at any point in time? Anything that you saw her do or say that made you think she might not like this conversation?*

*A: In that moment?*

*Q: At that moment, yes.*

*A: No she didn't say a word.*

*Q: Okay.*

*A: From my, from my recall.*

*Q: That's fine. Okay.*

*A: I didn't see her like wince, I didn't see her like, you know, like I did not get a sense but I think it's one of those things like whether, whether she got a sense of it or not, right, it was said and obviously it shouldn't have been said so I don't, so it's not like I needed to be like reminded hey that's inappropriate, you know what I'm saying like 'cause I even said immediately after the words from my mouth I'm like nope, can't say that. Like I, so I mean I don't know.*

**PO Gonzalez Reference Not Needing A Sense From Sergeant Magyera To Stop**

PO Gonzalez stated that whether there was a sense from Sergeant Magyera or not, he stated he said it and it should not have been said. He stated he did not need to be informed that the statement was inappropriate. PO Gonzalez has had APM 3-5 Trainings and other Cultural Sensitivity topics provided by the department and the city.

A: *Without even, I mean I didn't need a look from somebody to be like oh I didn't need a disapproving look in order to stop. You know like 'cause like I said immediatey after it came out, I was like nope didn't mean to say that. Because I don't joke like that, you know, I don't, I don't talk like that.*

**PO Gonzalez Reference ██████████ Aware Of The Retreats being Referred To As Naked Retreats**

PO Gonzalez stated that ██████████ has been present when talking about his retreats, and they are referred to as "naked" or "clothing optional." He stated it appears that ██████████ also thinks it is funny. He stated whenever there is a new member of the team, and they tell that new member it is a clothing optional or naked retreat, ██████████ seems to "get a kick" out of that new member thinking it is that (clothing optional). He stated that after a period of "bewilderment", ██████████ lets that person know that the retreats are not naked.

A: *Yeah so I mean in the past like whenever, you know, somebody new has come up and they've heard about, you know, ██████████ going to this retreat, you know, and I would and we'd talk about that new person and I would make, you know, I would say like you know, and you can't stare 'cause, you know, everybody's kind of like what when they hear about this retreat to ██████████ and I would joke about saying you know, and clothing might be optional here and then ██████████ would smile and, and let me continue the conversation with this person 'cause I think he gets, or from what I can tell he gets a kick out of this person actually thinking that's what it is and then, you know, and then he'll say ick so after he, after the, a period of like bewilderment by that person or just like, like then he'll like no it's not truly like, you know, naked and then, and then they'll, the main thing they ask about the retreat or maybe they don't, you know, so it's, I don't know. I mean.*

**PO Gonzalez Reference Sergeant Magyera Speaking To Him**

PO Gonzalez stated that approximately a couple of days after 5-9-24, Sergeant Magyera informed him that she documented what he had stated about the retreats, and she sent the information to Professional Standards and Internal Affairs (PSIA). He stated she informed him that his comment was inappropriate which he stated and acknowledged to me that he knew what he stated was inappropriate.

He stated that the comment he said was wrong, and it was not what he meant to say. He stated he contacted the people that were at the table with him, and he apologized for saying it.

■ *And then Sergeant Gibson had asked at one point about did Sergeant Magyera look upset or anything like that in the moment. Was there a time afterwards where you became aware that she was upset or had a reaction to this?*

A: *Yeah. Like a couple days later, I don't remember the exact date but it was a couple days later where she brought it to my attention and she said, you know, that was inappropriate and I said, I told her I said I agree, you know, and then she said I'm entering a blue team for you and so at the time, she had asked me to come to her office so I did and then Sergeant Tieu was there and after she said well I'm entering a blue team for you and I said oh okay, I see where this is gonna go, thinking I'm gonna end up, you know, like with you know facing discipline, which is understandable but I'm thinking well I should probably should have a union rep so then she got up and opened the door and I exited and I guess the, I'm not surprised that it had gone this route because, because you know the comment was said and I acknowledged that it was wrong. I immediately said you know nope that's not what I meant to say and so as, after I left Magyera's office I contacted the people who I remembered being at the table just to tell them hey like the other day if you recall, you know, this is what happened and I apologize and so I apologized to ■. I apologized to ■. I apologized to ■ because I said I told him, I said you know I don't joke like about that and so and so I said if, if offense was taken, I apologize. I didn't want to ask them were you offended because that, you know, that's putting them on the spot and that's not, I mean they don't have to be offended, you know, somebody could be offended so I apologized for, for my mistake to each of them so.*

### **Components Of ■ Retreat**

PO Gonzalez stated the component he was trying to think of was the word silent, not gay. He went onto say how that word association with naked, the Madison Naked Bike Ride, and part of that bike ride has Pride Flags displayed, is why he said gay, instead of silent.

The retreats themselves are not naked, but he stated due to the actual components of the retreats that ■ talked about (Cannot look at anyone, have to be silent, and no cell phones), that morphed into the retreats being "clothing optional" or "naked" as a joke that ■ is aware of. Naked is not an actual component of the retreats, but due to the joke that it has morphed into, is why PO Gonzalez stated he was thinking of that as a component of the retreat.

■ *And so like the, the naked part, the retreat ■ goes to is not actually naked but that was a source of like kind of joking questioning from years past and that's somehow like that's the word association you had like you were trying to like think of like we've joked about it being naked in the past but it's not really that's kind of the path that got us to you saying what you said. Is that correct?*

A: Correct.

**PO Gonzalez Works Well With [REDACTED]**

PO Gonzalez stated that he gets along well and works well with [REDACTED].

*Q: Okay. And, and do you get along well with [REDACTED]?*

*A: Yeah, totally.*

*Q: Okay. Work well with him?*

*A: Yep.*

**Analysis Of Complaint**

On 5-9-24, Sergeant Magyera, [REDACTED], and PO Gonzalez were having lunch together upstairs at the training center. On a whiteboard that has officers' schedules, the board had [REDACTED] attending a retreat soon. [REDACTED] for a few years has stated the retreats are silent, you are not allowed to look at each other, and no cell phones are allowed. PO Gonzalez stated that turned into asking [REDACTED] if these retreats are also a "clothing optional" retreat as well, jokingly.

[REDACTED] has been present in the past when the retreats he attends have been referred to as "naked", or "clothing optional." [REDACTED] stated [REDACTED] laughs about it, and [REDACTED] stated she believes [REDACTED] thinks it is funny. Sergeant Magyera stated she believes if something bothered [REDACTED], they (Sergeant Magyera and [REDACTED]) have the type of relationship that he would feel comfortable coming to her to let her know.

After the retreat was referred to as naked, PO Gonzalez was trying to think of the second component of the retreat which he meant to say silent but said gay instead. PO Gonzalez stated he thought to himself, why would I use the word gay instead of silent. He stated that the Madison Naked Bike Ride was approaching (6-15-24), which he has worked in the past. He stated that he has seen Pride Flags displayed during that. He then associated naked with that (Naked Bike Ride and Pride Flags) and said gay.

He stated he immediately corrected himself and then stated the word silent. [REDACTED] heard him immediately correct himself and believed it was genuine. [REDACTED] stated she heard the word naked, but not the word gay. She also stated she did not hear any type of correction. Sergeant Magyera remembers PO Gonzalez informing her he was trying to say silent, once she informed him she had sent a memo to PSIA. Sergeant Magyera stated as far as him stating he meant to say silent instead of gay right away at the table, she stated she feels like he said it, but it was not loud.

Sergeant Magyera stated she felt that PO Gonzalez was trying to cover up him using the word gay in the manner that he did, because those two words (silent and gay), are not interchangeable. PO Gonzalez stated he said gay because of the word association he was using when he thought of the Naked Bike Ride where he has seen Pride Flags displayed.

PO Gonzalez agreed that what he said was offensive, and he understood why it was sent to PSIA. He stated gay was not what he meant to say, but he did say it, and apologized to his co-workers who were at the table.

PO Gonzalez said something that was offensive which he acknowledged that it was. Regardless of the word he intended to use, he used an offensive term, that is outlined in City of Madison APM 3-5 (Prohibited Harassment AND/OR Discrimination Policy).

*Purpose The City of Madison's vision is Inclusive, Innovative, and Thriving. The City of Madison is committed to equity, diversity, inclusion, and equal employment for all. Our policy is to be welcoming, safe, and fair to all employees and members of the community. The goal of our policy is for the work environment to be free of harassment, discrimination, and retaliation. To that end, this policy will be liberally construed and strictly enforced.*

*Covered Behaviors We expect all employees to treat their colleagues and members of the public in a welcoming, fair, respectful, and equitable manner. The following behaviors are prohibited under this policy: discrimination, harassment, retaliation, hazing, quid pro quo or other types of sexual harassment, micro-aggressions (subtle acts of exclusion), and creating a hostile work environment due to protected class. See the APM 3-5 Resource Guide for definitions of these behaviors as well as a full list of protected classes*

The Protected Class that applies is Sexual Orientation. The following is an excerpt reference this class from the Equal Opportunities Ordinance (39.03)

*Sexual orientation is the sexual or loving attraction to another person or the complete absence thereof to any other person. This attraction can span a non-static continuum from same-sex attraction at one end to opposite-sex attraction to an absolute lack of attraction to any gender. (Am. by Ord. 12,686, 10-9-00; Renum. by ORD-12-00108, 9-13-12.*

### **Preliminary Recommendation**

**City Of Madison AM 3.5 (Prohibited Harassment And/Or Discrimination Policy) Sustained**

### **Finding Of 2024PSIA-0052**

This case was presented to Chief Shon Barnes on 8-19-24. The finding was a Sustained violation of the City of Madison APM 3.5. (Prohibited Harassment And/Or Discrimination Policy).

On 8-19-24, I sent PO Gonzalez a Pre-Determination notice with the finding.

On 8-26-24, PO Gonzalez sent me his Pre-Determination response.

On 09-30-24, a Determination Hearing took place, with PO Gonzalez receiving a one-day suspension held in abeyance.

On 10-1-24, I sent the suspension notice to Captain Timothy Patton to discuss the suspension with PO Gonzalez.

Captain Patton informed me that he discussed the suspension with PO Gonzalez on 10-2-24.

A handwritten signature in black ink, appearing to read "Ryan Gibson". The signature is written in a cursive style with a large initial "R".

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**Sergeant Ryan Gibson**