

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	January 4, 2019
Time of Incident:	3:21 p.m.
Location of Incident:	█████ S. █████ Street
Date of COPA Notification:	January 5, 2019
Time of COPA Notification:	12:11 p.m.

Off-duty Officer David Sodetz arrived at █████ residence with the building landlord, asserting they were there to perform repairs. When █████ asked Officer Sodetz and the landlord to return another day, Officer Sodetz insisted on completing the repairs and refused to leave the residence. Officer Sodetz ultimately forced his way into the residence and an altercation ensued. Officers Reichenberger and Grubisich responded to the incident. Dissatisfied with the responding officers’ service, █████ went to the police station and initiated this complaint.

II. INVOLVED PARTIES

Involved Officer #1:	David Sodetz, star #13693, employee ID █████; Date of Appointment: April 25, 2016; Police Officer; Unit of Assignment: 004/ 001; DOB: █████1989; male; white.
Involved Officer #2:	Nathan Reichenberger, star #10428, employee ID █████; Date of Appointment: May 16, 2017; Police Officer; Unit of Assignment: 009; DOB: █████ 1995; male; white.
Involved Officer #3:	John Grubisich, star #13089, employee ID █████; Date of Appointment: February 16, 2017; Police Officer; Unit of Assignment: 004; DOB: █████ 1991; male; white.
Involved Individual #1:	█████ DOB: █████ 1986; female; Hispanic.

III. ALLEGATIONS

Officer	Allegation	Finding / Recommendation
Officer David Sodetz	It is alleged by █████ that on or about January 4, 2019, at approximately 3:21 p.m., at or near █████ S. █████ Street, Officer David Sodetz, star# 13693, committed	

	<p>misconduct through the following acts or omissions:</p> <ol style="list-style-type: none"> 1. Stating to [REDACTED] words to the effect of "Open the fucking door;" 2. Unlocking the front door to [REDACTED] residence without her permission or authorization; 3. Opening the back door of [REDACTED] residence after being refused entry at the front door; 4. Placing his foot in the back doorway to prevent the door from closing; 5. Refusing to leave the [REDACTED] residence upon request; 6. Pushing his way into the residence; 7. Entering the residence without [REDACTED] permission or authorization; 8. Grabbing [REDACTED] and throwing her against a wall; 9. Stating words to the effect of, "You're going to find out who the fuck I am when the cops get here;" and 10. Writing down [REDACTED] license plate number without justification. 	<p>Sustained</p> <p>Sustained</p> <p>Not Sustained</p> <p>Sustained</p> <p>Sustained</p> <p>Sustained</p> <p>Sustained</p> <p>Sustained</p> <p>Sustained</p> <p>Not Sustained</p>
<p>Officer Nathan Reichenberger</p>	<p>It is alleged by [REDACTED] that on or about January 4, 2019, at approximately 3:21 p.m., at or near [REDACTED], Officer Nathan Reichenberger, star# 10428, committed misconduct through the following acts or omissions:</p> <ol style="list-style-type: none"> 1. Failing to complete a case report on behalf of [REDACTED] to document the incident. <p>It is alleged by Deputy Chief Administrator Angela Hearts-Glass that on or about January 4,</p>	<p>Sustained</p>

	<p>2019, at approximately 3:21 p.m., at or near [REDACTED], Officer Nathan Reichenberger, star# 10428, committed misconduct through the following acts or omissions:</p> <p>2. Failing to immediately notify a supervisor and/or prepare a written report to his commanding officer after becoming aware of an allegation of misconduct, in violation of G08-01-02.</p>	<p>Sustained</p>
<p>Officer John Grubisich</p>	<p>It is alleged by [REDACTED] that on or about January 4, 2019, at approximately 3:21 p.m., at or near [REDACTED] S. [REDACTED] Street, Officer John Grubisich, star# 13089, committed misconduct through the following acts or omissions:</p> <p>1. Failing to complete a case report on behalf of [REDACTED] to document the incident.</p> <p>It is alleged by Deputy Chief Administrator Angela Hearts-Glass that on or about January 4, 2019, at approximately 3:21 p.m., at or near [REDACTED] Officer John Grubisich, star# 13089, committed misconduct through the following acts or omissions:</p> <p>2. Failing to immediately notify a supervisor and/or prepare a written report to his commanding officer after becoming aware of an allegation of misconduct, in violation of G08-01-02.</p>	<p>Sustained</p> <p>Sustained</p>

IV. APPLICABLE RULES AND LAWS

Rules

1. Rule 6: Disobedience of an order or directive, whether written or oral.
2. Rule 8: Disrespect to or maltreatment of any person, while on or off duty.
3. Rule 9: Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.

General Orders

1. G08-01-02: Specific Responsibilities Regarding Allegations of Misconduct (eff. May 4, 2018-Dec. 31, 2021).

2. G04-01: Preliminary Investigations (eff. Oct. 15, 2017-Dec. 30, 2020).

V. INVESTIGATION¹

a. Interviews

In a statement to COPA on January 9, 2019, ██████████ stated that the day before this incident, her landlord, ██████████ left a notice to make repairs at Mrs. ██████████ residence on Friday, January 4th at 3:00 p.m. Mrs. ██████████ text messaged Mrs. ██████████ asking her to come Saturday, as Mrs. ██████████ and her husband, ██████████ had to work.³ The day of the incident, Mrs. ██████████ was home with her five children, ages 15, 11, 10, 5 and 3, when Ms. ██████████ son (name unknown), and an unknown male, now identified as Officer Sodetz, knocked at Mrs. ██████████ front door to complete the repairs. Mrs. ██████████ related that she and Mr. ██████████ requested to have the repairs done on Saturday, as Mr. ██████████ was not home, and they both had to work. Mrs. ██████████ asked them to return on Saturday. Officer Sodetz told Mrs. ██████████ to open the door, or he would come in.⁴ Mrs. ██████████ replied to Officer Sodetz that she did not know who he was. Officer Sodetz told Mrs. ██████████ to, “Open the fucking door.” Officer Sodetz left, returned with a key and put it in the door. Mrs. ██████████ told her daughter to call the police.⁵ As Officer Sodetz unlocked the door, Mrs. ██████████ relocked the door and told Officer Sodetz he could not come in. Officer Sodetz said he would go to the back door.

Mr. ██████████ arrived home and called their ██████████, ██████████, to open the back door. ██████████ opened the back door while Mrs. ██████████ calmed the younger children in the living room. Moments later, ██████████ yelled to Mrs. ██████████ that Officer Sodetz was in the house. Officer Sodetz placed his foot in the back doorway. Mrs. ██████████ asked Officer Sodetz several times to leave, but he refused. Officer Sodetz told Mrs. ██████████ his name was David and he was a contractor, but he refused to show her any credentials. Mrs. ██████████ informed Officer Sodetz that the police were on the way. Officer Sodetz replied, “You’re going to find out who the fuck I am when the cops get here.” Mr. ██████████ went to grab the cat, who attempted to run out of the open door. Officer Sodetz then pushed his way through the door and into the residence, grabbed Mrs. ██████████ around her chest area and “threw” her against the wall trying to get to Mr. ██████████ Mrs. ██████████ stepped between Mr. ██████████ and Officer Sodetz.

Officer Sodetz went outside to call the police. When the police arrived, Mrs. ██████████ explained the situation and asked the responding officers to make a report, but they refused. The officers did not want to hear about Officer Sodetz “putting his hands” on Mrs. ██████████ Mrs.

¹ COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

² Attachments 5, 69

³ ██████████ did not respond to the message.

⁴ ██████████ had just entered the gate, and ██████████ son was at the bottom of the stairs.

⁵ The ██████████ dialed 911 approximately three times during the incident.

██████████ tried showing the officers cell phone video of the incident, but the officers claimed it was too blurry and refused to watch it.

After the responding officers left, Mrs. ██████████ daughter took out the trash and overheard Officer Sodetz inquiring about the ██████████ vehicles. Officer Sodetz then wrote down their license plate numbers. Mrs. ██████████ dialed 911 and requested a sergeant. After waiting approximately two hours, Mrs. ██████████ went to the police station and was issued a police report. Mrs. ██████████ did not know Officer Sodetz was a police officer at the time and only identified him as “David;” however, later that night, Mrs. ██████████ learned via Facebook that he was a police officer and obtained his last name.⁶ Mrs. ██████████ returned to the police station the following day and amended the police report to reflect Officer Sodetz’ full name and identity as a police officer. Mrs. ██████████ sustained a bruise on the left side of her back when Officer Sodetz threw her against the wall.

Attempts to interview ██████████ and ██████████ were unsuccessful.⁷

In a statement to COPA on February 3, 2021, **Officer David Sodetz**⁸ stated he went to the ██████████ residence with his mother-in-law, ██████████ and brother-in-law, ██████████ to repair broken pipes which caused leaking and flooding in the basement.⁹ Officer Sodetz recalled that Ms. ██████████ had previously consulted with a lawyer to address concerns and start the eviction process, as the ██████████ had not paid rent in months. The attorney told Ms. ██████████ to put a notice on the door advising the ██████████ she would make repairs in 24 hours—adding that flooding constitutes emergency repairs, and therefore the tenants could not deny the landlord entry. Ms. ██████████ left the notice the day before and asked Officer Sodetz to assist with the repairs. On the date of incident, Officer Sodetz and Mr. and Ms. ██████████ arrived at the ██████████ residence to repair the pipes.¹⁰

Officer Sodetz knocked at the ██████████ front door¹¹ and announced he and the landlord were there to make repairs. There was no answer. Officer Sodetz then inserted the key as Ms. ██████████ wanted to move forward with the repairs.¹² Someone, presumably Mrs. ██████████ responded through the door that she was uncomfortable with them performing repairs without her husband present. Officer Sodetz and Mr. and Ms. ██████████ stood on the steps. Approximately five minutes later, Mr. ██████████ arrived home and walked past Officer Sodetz and Mr. and Ms. ██████████. Officer Sodetz followed Mr. ██████████ introduced himself as, “David,” and said he and the landlord were there to complete repairs in the basement. Officer Sodetz did not recall what Mr. ██████████ said, but Mr. ██████████ essentially brushed him off and said everything was fine with the apartment. Mr. ██████████ walked through the back door of the residence into the

⁶ Mrs. ██████████ looked up ██████████ daughter on Facebook and learned that the accused was the daughter’s husband. The accused was dressed in full police uniform in photographs and tagged as “David Sodetz.”

⁷ Attachments 40, 42, 43, 75

⁸ Attachments 53-54, 70

⁹ Ms. ██████████ lives in the front house and the ██████████ live in the coach house.

¹⁰ When presented with cell phone video from the ██████████ that indicates the landlord was there to caulk a window, Officer Sodetz said he believes there were multiple repairs—including flooding in the basement.

¹¹ Officer Sodetz believes he knocked but they might have rung the doorbell.

¹² Officer Sodetz did not unlock the door.

basement.¹³ Officer Sodetz stood in the basement doorway. Mr. ██████ said they did not want the repairs completed at that time. Officer Sodetz took one or two steps into the basement and told Mr. ██████ they provided notice and wanted to make the repairs.¹⁴ Mrs. ██████ came downstairs from the apartment/ living space to the basement. The ██████ asked Officer Sodetz to leave. Mr. and Ms. ██████ insisted the repairs had to be done. Officer Sodetz told the ██████ they were aware of their previous evictions. Mr. ██████ became upset, took off his jacket, yelled at Officer Sodetz, and said he would fight him. Mr. ██████ then approached Officer Sodetz with a clenched fist. Officer Sodetz thought Mr. ██████ was charging at him, so he stepped back and Mr. ██████ slammed the door on his foot.¹⁵ Officer Sodetz then pushed the door open, off his foot. Mr. ██████ accused Officer Sodetz of striking Mrs. ██████ with the door, but Officer Sodetz did not remember striking Mrs. ██████ with the door and said if he struck her with the door, it was inadvertent. He and the ██████ argued, and he handed the ██████ an eviction notice and then stepped outside to call the police.¹⁶ The dispatcher said the police were already en route to that location. Moments later two officers responded, including Officer Grubisich who Officer Sodetz knows from working in the 4th District.

Officer Sodetz did not recall whether he told Mrs. ██████ to, “Open the fucking door,” but acknowledged that he stood with his foot in the doorway because Ms. ██████ said they needed to complete the repairs that day. He did not push his way into the residence. He related that he entered the rear of the residence without permission; but the door was open, and he stepped in during their discussion. Officer Sodetz denied grabbing Mrs. ██████ and pushing her against a wall. He said he never grabbed her and did not believe he made contact with anyone when he swung open the door. Upon seeing the video, Officer Sodetz acknowledged that he told the ██████ they would find out who he was once the cops arrived. He did not remember writing down the ██████ license plate number.

Officer Sodetz waited three days to file the Case Report against Mr. ██████ because initially he had not planned to file a report; however, Ms. ██████ attorney advised them to document everything pertaining to the ██████ and the property. Officer Sodetz reviewed his Case Report and clarified that Mr. ██████ only threatened *him* with bodily harm. Officer Sodetz provided photographs which he said depict water coming out of the side of the ██████ residence, and carpet, furniture and miscellaneous water-soaked items thrown into the alley.

Attempts to interview ██████ and Brian ██████ were unsuccessful.¹⁷

In a statement to COPA on February 3, 2021, **Officer John Grubisich**¹⁸ stated he and Officer Reichenberger responded to a landlord-tenant dispute. Upon arrival, the officers encountered Officer Sodetz, who Officer Grubisich previously worked with at the 4th District

¹³ Mr. ██████ did not close the basement door.

¹⁴ Mr. and Ms. ██████ stood behind Officer Sodetz for the duration of this encounter; however, Mr. ██████ may have been standing to the side of Officer Sodetz at one point.

¹⁵ The door did not close completely, as Officer Sodetz’ foot was there. Officer Sodetz did not sustain injury to his foot.

¹⁶ Officer Sodetz did not recall what he said during the 911 call, but believes he said the tenant would not let them in and was trying to fight him.

¹⁷ Attachments 41, 75

¹⁸ Attachments 56, 72

Station. Officer Sodetz related that he and the landlord went to the [REDACTED] residence to complete repairs, but the [REDACTED] would not allow them into the home. Officers Grubisich and Reichenberger spoke to the involved parties and concluded it was a civil matter. Officer Grubisich did not remember the specifics of his conversation with Mrs. [REDACTED] but said he did not complete a case report because it was more of a civil matter. Mrs. [REDACTED] alleged that Officer Sodetz pushed her, while Officer Sodetz said someone pushed him. Either Officer Grubisich or Officer Reichenberger determined they could not see what was on the video. Officer Grubisich stated he did not complete a case report because both sides wanted charges pressed against the other, and it was a mutual combatant situation. He did not notify a supervisor or prepare a written report to his commanding officer, but, in retrospect, he believed he should have completed a Case Report.

In a statement to COPA on February 3, 2021, **Officer Nathan Reichenberger**¹⁹ provided an account consistent with Officer Grubisich. Mrs. [REDACTED] informed the officers that Officer Sodetz forced his way into her residence and the door pushed her against the wall.²⁰ Consequently, Mrs. [REDACTED] hit her leg or other part of her body, against the wall, and sustained a bruise. Officer Reichenberger did not see any bruising to Mrs. [REDACTED] leg or markings to the wall.²¹ The officers did not complete a case report as there was no evidence that a battery occurred, and the incident was more of a landlord-tenant dispute—which the officers deemed as a civil matter. Officer Reichenberger added that Officer Sodetz said Mrs. [REDACTED] slammed his foot in the door, and officers do not write cross reports or generate reports when there are mutual combatants. Officer Reichenberger did not deem it necessary to notify a supervisor of the incident, and he did not prepare a written report to his commanding officer.

b. Digital Evidence

Photographs²² provided to COPA depict what appear to be bruising to Mrs. [REDACTED] lower left back.

Cell phone video²³ provided by Mrs. [REDACTED] depicts Officer Sodetz standing in the back doorway with his right foot inside the residence. Officer Sodetz informs the [REDACTED] that they would go to jail if they slammed the door. Mrs. [REDACTED] accuses Officer Sodetz of pushing the door, and said they requested that the repairs be done tomorrow. Mrs. [REDACTED] repeatedly asks Officer Sodetz to get out of the house and also asks Officer Sodetz to move his foot. Mr. [REDACTED] asks Officer Sodetz who he was, to which Officer Sodetz replies that Mrs. [REDACTED] would find out who he was once the police arrive. Officer Sodetz insists on completing the repairs and refused to leave. He forces open the door and pushes his way into the residence.²⁴ A commotion, not entirely visible in the video, can be heard in the background and Mr. [REDACTED] can be heard telling Officer Sodetz he would be arrested for pushing Mrs. [REDACTED] Mrs. [REDACTED] continued asking Officer Sodetz to leave. Officer Sodetz then walks outside while someone in the

¹⁹ Attachments 55, 71

²⁰ Officer Reichenberger believed Officer Sodetz was the property owner.

²¹ Upon reviewing his Body Worn Camera, Officer Reichenberger realized he did not examine Mrs. [REDACTED] for bruising or the wall, and said he misremembered.

²² Attachment 36

²³ Attachment 17. The video is 8 minutes and 3 seconds long.

²⁴ Officer Sodetz' foot is not visible in the video in the moment before he forced open the door.

residence, presumably her daughter, can be heard on the phone with 911. The daughter reports that a white male came in their house and attacked and hit her mother. Mrs. [REDACTED] is also heard saying Officer Sodetz attacked her.

Body Worn Camera²⁵ depicts Officers Grubisich and Reichenberger responding to the scene. Officer Sodetz approaches the officers. It appears that Officer Sodetz knows Officer Grubisich. Officer Sodetz explains that he was there to assist the landlord, his mother-in-law. Officer Sodetz tells the officers that Mr. [REDACTED] pushed him, while the [REDACTED] are saying he pushed them, and they both dialed 911. Officer Sodetz later said no one pushed anybody, presumably referring to the allegation that Officer Sodetz pushed Mrs. [REDACTED]. Officer Sodetz related the [REDACTED] did not answer the door, so he and the landlord entered the residence. Now the [REDACTED] are threatening him and the landlord. Officer Sodetz tells the officers that the [REDACTED] slammed his foot in the door, but he was already in the house, while Mrs. [REDACTED] tells the officers that Officer Sodetz attacked her and that she has the video. She relates that they do not know who Officer Sodetz is and do not rent from him, yet he manipulated the lock and pushed his way through. Mrs. [REDACTED] said Officer Sodetz and the landlord came through the back and opened the door with a key. Mrs. [REDACTED] daughter was behind the door and “got slammed” with the door. Mrs. [REDACTED] informed the officers that 48 hours’ notice is required to make repairs, not 24 hours. Mrs. [REDACTED] shows the officers the video of them continuously asking Officer Sodetz to leave and points out the moment when Officer Sodetz “barged his way through.” Officer Reichenberger said the video was blurry and the officers could not really tell. Officer Grubisich suggests that Officer Sodetz and the landlord return another day to complete the repairs and that it is a civil matter. Mr. [REDACTED] said there should be something done for Officer Sodetz shoving Mrs. [REDACTED]. Mrs. [REDACTED] asked what was going to happen and insisted on having charges pressed against Officer Sodetz for entering her home. Neither officer responded. Mrs. [REDACTED] told the officers she was going to the station because Officer Sodetz had no right to do what he did.

c. Documentary Evidence

The **notice left by Mrs. [REDACTED]**²⁶ dated July 3, 2019,²⁷ documents that she requested that someone from the [REDACTED] residence be home on January 4th at 3:00 p.m. so she can complete the necessary repairs.

An **Office of Emergency Management and Communications (OEMC) Event Query**²⁸ documents that at 3:19 p.m., Mrs. [REDACTED] dialed 911 and reported that her landlord, [REDACTED] and her son were trying to enter her apartment. Mrs. [REDACTED] was pushing the door and “he” was forcing himself into the apartment.²⁹

²⁵ Attachments 73, 74

²⁶ Attachment 4, page 5

²⁷ Mrs. [REDACTED] left the notice on January 3, 2019.

²⁸ Attachment 12

²⁹ A request for the OEMC transmissions met with negative results, as the request was beyond the 90-day retention period. Attachments 42, 48

An **OEMC Event Query**³⁰ documents that at 3:25 p.m., ██████³¹ reported that Mrs. ██████ was arguing with the landlord's son, who had now entered the house. Kryptal added that Mrs. ██████ tried to keep him out, but he forced his way in.

An **OEMC Event Query**³² documents that at 3:26 p.m., ██████³³ reported the landlord was attacking the tenant; and the landlord was at the basement door trying to get in. ██████ stated that the offender³⁴ who attacked her mom is with the female landlord; and the offender attacked her mom with a door.

An **OEMC Event Query**³⁵ documents that at 3:28 p.m., "David," dialed 911 from a wireless number registered to Officer Sodetz.³⁶ The job was coded as No Police Service needed.

An **OEMC Event Query**³⁷ documents that at 3:57 p.m., Mrs. ██████ requested a supervisor, citing she was dissatisfied with the responding officers.

According to **Case Report JC104787**,³⁸ Mrs. ██████ was at home when the landlord showed up with a contractor named David to perform repairs. Mrs. ██████ asked the landlord to complete the repairs later. David pushed open the door and attempted to enter the home. Mrs. ██████ attempted to close the door, but David stuck his foot in the door. David then pushed Mrs. ██████ causing her back to hit the wall. Mrs. ██████ sustained a minor bruise on her right side.

An **Initiation Report**³⁹ dated January 5, 2019 documents that Mrs. ██████ came to the 9th District Station and reported that the offender listed as David in the Battery Report she filed the previous day is Chicago Police Officer David Sodetz.

Case Supplementary Report JC104787⁴⁰ documents that during a landlord-tenant dispute, Officer Sodetz entered the ██████ family's residence, leading to a physical confrontation. Mrs. ██████ provided Detectives an account consistent with her statement to COPA. Additionally, Mrs. ██████ told Detectives that at the onset, Officer Sodetz was at the top landing of the stairway and at her front door; the landlord's son was on a lower-level step; and Ms. ██████ was at street level. There was a verbal confrontation between Mr. ██████ and Officer Sodetz.

³⁰ Attachment 15

³¹ Spelled ██████ in the Event Query.

³² Attachment 25

³³ Spelled ██████ in the Event Query.

³⁴ The offender is described as a white male.

³⁵ Attachment 6

³⁶ Attachment 68

³⁷ Attachment 14

³⁸ Attachment 13

³⁹ Attachment 18

⁴⁰ Attachment 19

Mrs. ██████ told Detectives she would pursue a Civil Suit and proceed with the COPA investigation. Mrs. ██████ said she would discuss with Mr. ██████ whether to proceed with criminal charges. The case was subsequently closed in the Detective division.

An **OEMC Event Query**⁴¹ documents that on January 7, 2019, Officer Sodetz obtained Case Report **JC108181** via telephone.

Case Report JC108181⁴² documents that Officer Sodetz and his mother-in-law, ██████ went to Christopher ██████ residence to make repairs. Mr. ██████ denied Officer Sodetz and Ms. ██████ entry, became aggressive, and threatened Officer Sodetz with bodily harm. Mr. ██████ walked toward Officer Sodetz with clinched fists and said he would beat him up and kick him. Officer Sodetz moved back, and Mr. ██████ slammed the door on Officer Sodetz' foot.

Case Supplementary Report JC108181⁴³ documents that Officer Sodetz refused to pursue the case against Mr. ██████ he only wanted to document the incident.

General Order G04-01⁴⁴ dictates that Department members conducting a preliminary investigation will conduct a thorough and accurate investigation, convey a sense of concern and general interest to all persons in need of police service, and complete and submit all necessary reports and notifications, unless otherwise directed by a supervisor.

General Order G08-01-02⁴⁵ dictates that when misconduct is observed or an allegation of misconduct is received by a non-supervisory member, the member will immediately notify a supervisory member and prepare a written report to his or her unit commanding officer before reporting off duty on the day the member becomes aware of the misconduct containing the information received, observations made, and any action taken.

VI. LEGAL STANDARD

For each Allegation COPA must make one of the following findings:

1. Sustained - where it is determined the allegation is supported by a preponderance of the evidence;
2. Not Sustained - where it is determined there is insufficient evidence to prove the allegations by a preponderance of the evidence;
3. Unfounded - where it is determined by clear and convincing evidence that an allegation is false or not factual; or

⁴¹ Attachment 27

⁴² Attachment 20

⁴³ Attachment 22

⁴⁴ Attachment 65

⁴⁵ Attachment 39

4. Exonerated - where it is determined by clear and convincing evidence that the conduct described in the allegation occurred, but it is lawful and proper.

A **preponderance of evidence** can be described as evidence indicating that it is **more likely than not** that the conduct reviewed complied with Department policy. *See Avery v. State Farm Mutual Automobile Insurance Co.*, 216 Ill. 2d 100, 191 (2005), (a proposition is proved by a preponderance of the evidence when it has found to be more probably true than not). If the evidence gathered in an investigation establishes that it is more likely that the conduct complied with Department policy than that it did not, even if by a narrow margin, then the preponderance of the evidence standard is met.

Clear and convincing evidence is a higher standard than a preponderance of the evidence but lower than the "beyond-a-reasonable doubt" standard required to convict a person of a criminal offense. *See e.g., People v. Coan*, 2016 IL App (2d) 151036 (2016). Clear and Convincing can be defined as a "degree of proof, which, considering all the evidence in the case, produces the firm and abiding belief that it is highly probable that the proposition . . . is true." *Id.* at ¶ 28.

VII. ANALYSIS

COPA finds that **Allegation #1** against **Officer David Sodetz** is **Sustained**, that he stated to [REDACTED] words to the effect of, "Open the fucking door," in violation of Rule 8. Mrs. [REDACTED] asked Officer Sodetz and the landlord to return on Saturday to complete the repairs, yet Officer Sodetz insisted that Mrs. [REDACTED] open the door. Mrs. [REDACTED] alleged that when she told Officer Sodetz she did not know who he was, he replied, "Open the fucking door." Officer Sodetz did not recall whether he made the statement. While this portion of the incident is not captured on video, COPA finds Mrs. [REDACTED] credible as her overall account of the incident is consistent with and corroborated by cell phone video and Body Worn Camera. Additionally, Officer Sodetz' inability to recall whether he made the statement allows for the possibility that he made the statement. Therefore, the preponderance of the evidence is that Officer Sodetz made this statement. Moreover, his use of profanity to attempt to force his way into the home, without justification, is abusive and disrespectful towards Mrs. [REDACTED]

COPA finds that **Allegation #2** against **Officer David Sodetz** is **Sustained**, that he unlocked the front door to [REDACTED] residence without her permission or authorization, in violation of Rule 8. Mrs. [REDACTED] said after she refused to open the front door, Officer Sodetz walked away, returned with a key, and unlocked the door. Mrs. [REDACTED] said she relocked the door and reiterated that Officer Sodetz could not come in. Officer Sodetz stated that he retrieved the key after there was no answer at the door. Officer Sodetz said he never unlocked the front door because once he inserted the key into the lock, Mrs. [REDACTED] responded. Based on the fact that Officer Sodetz inserted the key into the lock, it is plausible that he unlocked the door. While this portion of the incident is not captured on video, COPA finds Mrs. [REDACTED] credible as her overall account of the incident is generally consistent with Officer Sodetz' statement and corroborated by cell phone video and Body Worn Camera.

Officer Sodetz purported that he was entering the home to make emergency repairs on leaking water.⁴⁶ Chicago Municipal Code requires landlords to give two days' notice prior to entering a

⁴⁶ It is unclear if there actually was an emergency. Mrs. [REDACTED] indicated that the leak had been an issue for a few months. Additionally, when officers suggested the landlord's son wait a few days, they did not express concern

home for repairs, unless it is an emergency.⁴⁷ However, even when faced with an emergency, tenants have a cause of action where landlords enter unreasonably.⁴⁸ In this case, Officer Sodetz's conduct was unreasonable. As discussed, COPA finds that a preponderance of the evidence establishes that Officer Sodetz yelled at the [REDACTED] to "open the fucking door;" refused to leave and prevented the [REDACTED] from closing the door, shoved the door open hitting the [REDACTED] and shoved Mrs. [REDACTED] against the wall. This manner of accessing the home was unreasonable and violated the municipal code. Thus, the preponderance of the evidence is that his attempt to enter the home in this manner violates Rule 8.

COPA finds that **Allegation #3** against **Officer David Sodetz** is **Not Sustained**, that he opened the back door of [REDACTED] residence after being refused entry at the front door, in violation of Rule 9. Mrs. [REDACTED] said after she told Officer Sodetz at the front door that he could not come in, he said he would go to the back door. A short time later, Mrs. [REDACTED] daughter yelled that Officer Sodetz was in the house, but Mrs. [REDACTED] did not see how Officer Sodetz entered the house. Mrs. [REDACTED] believes he somehow entered as her husband arrived home. In the cell phone video, Mrs. [REDACTED] said Officer Sodetz pushed the door. The Case Report also documents that Officer Sodetz pushed open the door. In his interview, Officer Sodetz said Mr. [REDACTED] did not close the back door when he entered the residence. Mr. [REDACTED] failed to cooperate with the investigation. While Officer Sodetz did go to the back door of the residence after he was refused entry at the front door, without a statement from Christopher [REDACTED] there is insufficient evidence to determine whether Officer Sodetz opened the back door as this portion of the incident occurred before the cell phone recording commenced.

As discussed above, landlords may enter a home to make emergency repairs, so long as they do so reasonably. Unlike the entry into the main floor, which was clearly unreasonable, there is not a preponderance of the evidence that Officer Sodetz's entry into the basement was unreasonable. He indicated to COPA that he was doing so to fix an emergency, which the [REDACTED] did not refute. Thus he had a right to enter, and the [REDACTED] were improperly denying him entry. Moreover, he entered the basement peaceably. Therefore, while his other actions violated department policy, there is not a preponderance of the evidence that his entry into the basement was improper or against department rules.

COPA finds that **Allegation #4** against **Officer David Sodetz** is **Sustained**, that he placed his foot in the back doorway to prevent the door from closing, in violation of Rule 9. Cell phone video depicts Officer Sodetz standing with his foot in the back doorway as the [REDACTED] repeatedly asked him to leave. Mrs. [REDACTED] pleaded with Officer Sodetz to move his foot. Officer Sodetz warned that the [REDACTED] would go to jail if they slammed the door. During his interview, Officer Sodetz said he placed his foot in the back doorway because Ms. [REDACTED] insisted on completing the repairs then. Cell phone video showing Officer Sodetz standing with his foot in the doorway, coupled with his statement that he had his foot in the doorway because they wanted to complete the repairs right then suggests that Officer Sodetz placed his foot in the back doorway to

that there was an emergency that needed to be resolved immediately, but that their need to enter was to protect themselves in future litigation. However, as there is insufficient evidence to determine what the repairs related to, COPA will accept Officer Sodetz's explanation that this was an emergency.

⁴⁷ Chi. Mun. Code 5-12-050.

⁴⁸ Chi. Mun. Code 5-12-060.

prevent the door from closing. Officer Sodetz was entitled to enter the apartment, but he did not have the authority to force entry. Once the [REDACTED] denied him entry and he placed his foot in the door he was entering unreasonably, in violation of Chicago municipal code.

COPA finds that **Allegation #5** against **Officer David Sodetz** is **Sustained**, that he refused to leave the [REDACTED] residence upon request, in violation of Rule 9. Mrs. [REDACTED] stated that she and Mr. [REDACTED] asked Officer Sodetz multiple times to leave their residence. This, and Officer Sodetz' refusal, is corroborated by cell phone video. Officer Sodetz acknowledged that he refused to leave and asserted that he refused at Ms. [REDACTED] behest as she wanted the repairs made. While Officer Sodetz would be permitted to enter to make emergency repairs and Mrs. Echevvaria refused him entry, he did not have authority to force his way into her home, he should have used the legal process delineated in the Chicago Municipal Code. Instead, Officer Sodetz continued to yell and argue with Mrs. [REDACTED] and his actions escalated and inflamed the situation.

COPA finds that **Allegation #6** against **Officer David Sodetz** is **Sustained**, that he pushed his way into the residence, in violation of Rule 9. Cell phone video depicts that Officer Sodetz pried and pushed open the back door and forced his way into the residence. Officer Sodetz asserted that Mr. [REDACTED] slammed the door on his foot and he merely pushed the door open and off his foot; however, this was not captured on the cell phone video. Officer Sodetz' repeated refusals to leave the residence, coupled with the fact that he immediately entered the residence after he pushed open the door shows his intent to push his way into the residence. As discussed in allegation #5, his actions exceeded what was permitted by law, and constituted an unnecessary verbal and physical altercation.

COPA finds that **Allegation #7** against **Officer David Sodetz** is **Sustained**, that he entered the residence without [REDACTED] permission or authorization, in violation of Rule 8. Cell phone video shows that Officer Sodetz committed the alleged act. Officer Sodetz acknowledged that he entered the [REDACTED] residence and argued with them after they had repeatedly asked him to leave, further escalating the situation. Officer Sodetz certainly did not have the [REDACTED] permission or authorization to enter their residence. As discussed in allegation #5, his actions exceeded what was permitted by law, and such actions constituted disrespect and maltreatment towards Mrs. [REDACTED]

COPA finds that **Allegation #8** against **Officer David Sodetz** is **Sustained**, that he grabbed Mrs. [REDACTED] and threw her against a wall, in violation of Rule 9. Mrs. [REDACTED] alleged that Officer Sodetz grabbed and threw her against a wall after he forced his way into her residence and tried to get to Mr. [REDACTED]. While Officer Sodetz denied grabbing and throwing Mrs. [REDACTED] against a wall, Mrs. [REDACTED] description of the incident is consistent with the available evidence. Cell phone video depicts Officer Sodetz forcing his way into the residence, which is when Mrs. [REDACTED] alleged that Officer Sodetz grabbed and threw her against the wall. While this action is not captured within the frame of the cell phone video, there is a commotion heard in the background. Simultaneously, Mr. [REDACTED] accused Officer Sodetz of pushing Mrs. [REDACTED]. OEMC Event Queries document that Krystal [REDACTED] dialed 911 and reported that Officer Sodetz attacked Mrs. [REDACTED] and attacked her with a door. A portion of this call is captured on cell phone video, where Mrs. [REDACTED] is also heard accusing Officer Sodetz of attacking her. Mrs. [REDACTED] told responding Officers Grubisich and Reichenberger that Officer Sodetz shoved

and attacked her and offered to show them cell phone video of the incident. When Officers Grubisich and Reichenberger did not give her a proper response, Mrs. ██████ requested a sergeant and ultimately went to the police station to report the incident. The Case Report documents that Mrs. ██████ reported that Officer Sodetz pushed her, causing her back to hit the wall and leaving her with a bruise. Mrs. ██████ provided photographs to COPA which depict an apparent bruise or discoloration to her lower back. Thus, a preponderance of evidence shows that Officer Sodetz grabbed Mrs. ██████ and threw her against a wall.

His use of force to enter the home greatly exceeded any authority granted to him to enter to make emergency repairs. He defended his actions by saying Mr. ██████ was charging at him. However, that is not supported by the cell phone video. Even if it were, Officer Sodetz did not have authority to enter the home, and it was unreasonable for him to use force to enter, even if he feared Mr. ██████ would charge him. Therefore, the preponderance of the evidence establishes that Officer Sodetz shoved Mrs. ██████ without justification.

COPA finds that **Allegation #9** against **Officer David Sodetz** is **Sustained**, that he stated words to the effect of, "You're going to find out who the fuck I am when the cops get here," in violation of Rule 9. Cell phone video corroborates the allegation that Officer Sodetz said the ██████ would find out who he was once the cops arrived.⁴⁹ Given Officer Sodetz' position of authority as a police officer, it was improper for him to make this intimidating statement due to the undertones and potential implications this could have. Mrs. ██████ was heard on the video indicating that she suspected Officer Sodetz was in fact a police officer, and her words suggested that she believed he was attempting to use that position to force her into letting him enter.

COPA finds that **Allegation #10** against **Officer David Sodetz** is **Not Sustained**, that he wrote down ██████ license plate number without justification. Mrs. ██████ said her daughter observed Officer Sodetz write down their vehicles' license plate number when she took out the trash. Officer Sodetz said he did not remember writing down the license plate number, and Mrs. ██████ did not observe him do it. COPA made attempts to interview Mrs. ██████ daughter which were unsuccessful. COPA has found Mrs. ██████ to be credible throughout her statement, however, in this case she is speaking about what her daughter claims to have observed, and COPA is unable to verify the veracity of the daughter's statement. Therefore, there is insufficient evidence to prove or disprove the allegation.

COPA finds that **Allegation #1** against **Officer Nathan Reichenberger** is **Sustained**, that he failed to complete a case report on behalf of ██████ to document the incident, in violation of G04-01. Officers Reichenberger and Grubisich responded to a disturbance at the ██████ residence. The ██████ dialed 911 multiple times and reported that the landlord and her son were trying to enter the residence; that they forced their way into the residence; that they were arguing in the residence; and finally, that Officer Sodetz attacked Mrs. ██████. When the officers arrived on scene, Mrs. ██████ told them that Officer Sodetz, who she and her husband do not know, forced his way into the residence and attacked her. Mrs. ██████ also showed the officers cell phone video of the incident. The officers told the ██████ it was a civil matter. Mrs. ██████ insisted that she wanted to press charges against Officer Sodetz for entering her home. Mr. ██████ insisted that something be done for Officer Sodetz pushing Mrs. ██████

⁴⁹ Officer Sodetz does not use profanity when he makes this statement, as alleged by Mrs. ██████

While the underlying dispute over whether Officer Sodetz could enter for repairs was civil in nature, the [REDACTED] complaint was not merely about that, they clearly and repeatedly informed Officers Reichenberger and Grubisich that Officer Sodetz had pushed and attacked them. However, Officers Reichenberger and Grubisich failed to convey a sense of concern and general interest to the [REDACTED] subsequent to their request for police service, despite a requirement in G04-01 that they do so. Instead, they argued with Mrs. [REDACTED] about the landlord-tenant dispute instead of asking anything about the allegations. Additionally, due to the nature of the allegations made by the [REDACTED] a report should have been completed,⁵⁰ but the officers did not complete any reports or make any notifications.

COPA finds that **Allegation #2** against **Officer Nathan Reichenberger** is **Sustained**. G08-01-02 requires officers who observe misconduct or when an allegation of misconduct is received by them, to notify a supervisory member, and prepare a written report to their commanding officer, containing information received, observations made, and any action taken, and to do so before reporting off duty. The preponderance of the evidence establishes that both officers were aware that Officer Sodetz was a police officer. Additionally, Mr. and Mrs. [REDACTED] informed Officers Reichenberger and Grubisich that Officer Sodetz, a stranger to them, forced his way into their residence and attacked Mrs. [REDACTED]. Mr. [REDACTED] explicitly told the officers that Officer Sodetz pushed Mrs. [REDACTED] and insisted that something be done. This is an allegation of misconduct, and the officers were required to notify a supervisor, which they failed to do. Officer Reichenberger failed to notify a supervisor or prepare a written report to his commanding officer after becoming aware of an allegation of misconduct, thereby in violation of General Order 08-01-02.

COPA finds that **Allegation #1** against **Officer John Grubisich** is **Sustained**, that he failed to complete a case report on behalf of [REDACTED] to document the incident, in violation of G04-01, for the same basis cited for Allegation #1 against Officer Reichenberger.

COPA finds that **Allegation #2** against **Officer John Grubisich** is **Sustained**, that he failed to immediately notify a supervisor and/or prepare a written report to his commanding officer after becoming aware of an allegation of misconduct, in violation of G08-01-02, for the same basis cited for Allegation #2 against Officer Reichenberger.

I. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

a. Officer David Sodetz

- i. **Complimentary and Disciplinary History:** Officer Sodetz' complimentary and disciplinary history has been received, reviewed, and taken into consideration. During his tenure with CPD, Officer Sodetz has received one Crime Reduction Award, one Attendance Recognition Award, one Complimentary Letter, two Department Commendations, eighty-nine Honorable Mentions, one Honorable Mention Ribbon Award, two Life Saving Awards, one Police Officer of the Month Award, one Problem

⁵⁰ Officer Grubishich conceded that he should have completed a report for the incident.

Solving Award, and one Special Commendation. He received one Summary Punishment Action Request (SPAR).

ii. Recommended Penalty

COPA recommends a penalty of 15 days Suspension for Officer David Sodetz. Officer Sodetz stated to [REDACTED] words to the effect of, "Open the fucking door. Based upon the preponderance of evidence the allegations #2, #4 through #9 are Sustained. Officer Sodetz prevented Mrs. [REDACTED] from closing her door by placing his foot in the doorway. Officer Sodetz used his physical abilities to push his way into the apartment and push Mrs. [REDACTED] against the wall. Officer Sodetz used his authority as an Officer when he told Mrs. [REDACTED] that she would find out who he was when the cops arrive. Officer Sodetz's conduct is unacceptable and brings a bad light to the Department.

b. Officer Nathan Reichenberger

- i. Complimentary and Disciplinary History:** Officer Reichenberger's complimentary and disciplinary history has been received, reviewed and taken into consideration. During his tenure with CPD, Officer Reichenberger has received one Crime Reduction Award, and five Honorable Mentions. He has no disciplinary history.

ii. Recommended Penalty

COPA recommends 2 Days Suspension for Officer Reichenberger. Officer Reichenberger failed to complete a case report on behalf of [REDACTED] Officer Reichenberger also failed to immediately notify a supervisor and/or prepare a written report to his commanding officer after becoming aware of an allegation of misconduct.

c. Officer John Grubisich

- i. Complimentary and Disciplinary History:** Officer Grubisich's complimentary and disciplinary history has been received, reviewed, and taken into consideration. During his tenure with CPD, Officer Grubisich has received one Crime Reduction Award, one Attendance Recognition Award, forty-five Honorable Mentions, and one Unit Meritorious Performance Award. He has no disciplinary history.

ii. Recommended Penalty, by Allegation

1. Allegation No. 1

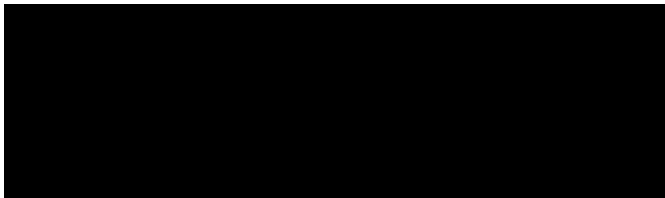
COPA recommends 2 Days Suspension for Officer Grubisich. COPA sustains the allegation that Officer Grubisich failed to complete a case report on behalf of [REDACTED]

Officer Grubisich also failed to immediately notify a supervisor and/or prepare a written report to his commanding officer after becoming aware of an allegation of misconduct.

II. CONCLUSION

Based on the analysis set forth above, COPA makes the above following findings and recommends the above penalties.

Approved:



8-26-2022

Angela Hearts-Glass
Deputy Chief Investigator

Date