

**BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO**

**IN THE MATTER OF CHARGES FILED AGAINST** )  
**POLICE OFFICER QUANTILDA PETERSON,** ) **No. 14 PB 2873**  
**STAR No. 16500, DEPARTMENT OF POLICE,** )  
**CITY OF CHICAGO,** )  
 ) **(CR No. 1031216)**  
**RESPONDENT.** )

**FINDINGS AND DECISION**

On August 26, 2014, the Superintendent of Police filed with the Police Board of the City of Chicago charges against Police Officer Quantilda Peterson, Star No. 16500 (hereinafter sometimes referred to as “Respondent”), recommending that the Respondent be discharged from the Chicago Police Department for violating the following Rules of Conduct:

- Rule 2: Any action or conduct which impedes the Department’s efforts to achieve its policy and goals or brings discredit upon the Department.
- Rule 8: Disrespect to or maltreatment of any person, while on or off duty.

The Police Board caused a hearing on these charges against the Respondent to be had before Thomas E. Johnson, Hearing Officer of the Police Board, on December 1, 2014.

Following the hearing, the members of the Police Board read and reviewed the record of the proceedings and viewed the video-recording of the testimony of the witnesses. Hearing Officer Johnson made an oral report to and conferred with the Police Board before it rendered its findings and decision.

**POLICE BOARD FINDINGS**

The Police Board of the City of Chicago, as a result of its hearing on the charges, finds and determines that:

1. The Respondent was at all times mentioned herein employed as a police officer by the Department of Police of the City of Chicago.

2. The written charges, and a Notice stating when and where a hearing on the charges was to be held, were personally served upon the Respondent more than five (5) days prior to the hearing on the charges.

3. Throughout the hearing on the charges the Respondent appeared in person and was represented by legal counsel.

4. The Respondent filed a Motion to Strike and Dismiss requesting that the charges filed against her be stricken and the case dismissed for the following reasons: (a) the failure to bring timely charges violates the due process rights of the Respondent; (b) the charges should be barred by laches; and (c) the investigation by the Independent Police Review Authority (IPRA) failed to follow General Order G08-01.

The Illinois Appellate Court has recently affirmed the Board's decision denying a motion to dismiss that makes essentially the same arguments as here. In that case, the Appellate Court found the Board's reasoning and result consistent with the law. *Chisem v. McCarthy*, 2014 IL App (1<sup>st</sup>) 132389 (December 23, 2014). *Chisem* requires denial of the present motion as well. The Respondent's Motion to Strike and Dismiss is therefore **denied** for the reasons set forth below.

**a. Due Process.** Citing *Morgan v. Department of Financial and Professional Regulation*, 374 Ill. App. 3d 275 (2007), and *Lyon v. Department of Children and Family Services*, 209 Ill.2d 264 (2004), the Respondent claims that the Constitution precludes such a lengthy delay in the investigation of the Respondent's alleged misconduct. *Morgan* and *Lyon*, however, involved a delay in *adjudication* of allegations of misconduct after the respective plaintiffs had been

suspended from their jobs—not delay in the *investigation* leading to the initial suspensions.

*Morgan* involved a clinical psychologist accused of sexually abusing a patient, where the state took fifteen months to decide the case after the suspension. *Lyon* involved a teacher accused of abusing students where the director of DCFS failed to honor specific regulatory time limits for decision-making.

The Respondent’s case before the Police Board is different from *Morgan* and *Lyon*, as the Respondent in her Motion is complaining about the delay from the time of the incident to the bringing of charges, not the time it took to try her once the charges were filed and she was suspended without pay. This difference is important because the due-process analysis in *Morgan* and *Lyon* is triggered by the state’s decision to deprive the psychologist and teacher of their jobs, thus preventing them from working for prolonged periods of time before they were accorded the opportunity to have a hearing and decision to clear their names. Here, the Respondent was working and was being paid her full salary and benefits during the entire period from the time of the incident up to the filing of charges with the Police Board. The Due Process clause precludes a state or local government from “depriving any person of life, liberty or property [i.e. a public job] without due process of law.” Here, the Respondent was not suspended without pay from her job until *after* the charges against her were filed. Therefore, the Respondent was *not* deprived of her job prior to the filing of charges, and any delay in bringing the charges is therefore *not* a violation of the Respondent’s due process rights.

**b. Laches.** The Respondent argues that the doctrine of laches should apply here in supporting the dismissal of charges, for she argues that the delay in bringing the charges against her resulted in prejudice to her.

Laches is an equitable doctrine that is used to prevent a party in litigation from enforcing

a right it otherwise has because it has not been diligent in asserting this right and the opposing party has been prejudiced by the delay. Private parties and public agencies are not on an equal footing when it comes to the application of the laches doctrine. Many cases, including *Van Milligan v Board of Fire and Police Commissioners of the Village of Glenview*, 158 Ill.2d 85 (1994), hold that laches can only be invoked against a municipality under “compelling” or “extraordinary” circumstances. In addition, the party that invokes the doctrine of laches has the burden of pleading and proving the delay and the prejudice. *Hannigan v. Hoffmeister*, 240 Ill. App. 3d 1065, 1074 (1992). Under Illinois law, the Respondent must demonstrate that the Superintendent’s unreasonable delay caused material prejudice to the Respondent; the Respondent must submit evidence in support of her claims of prejudice (for example, testimony that witnesses could no longer recall what happened, or affidavits stating that records had been lost or destroyed during the intervening years). *Nature Conservancy v. Wilder*, 656 F.3d 646 (7<sup>th</sup> Cir. 2011).

Here, the Respondent did not assert any specific prejudice stemming from the delay during the investigation. Therefore, the Respondent has not carried her burden of proving that she was prejudiced by a delay in the bringing of charges, nor has she demonstrated any “compelling” or “extraordinary” circumstances warranting a dismissal of this case due to laches.

**c. General Order G08-01.** The Respondent argues that the investigation by IPRA failed to follow Chicago Police Department General Order G08-01, which requires a prompt and thorough investigation.

General Order G08-01 does not set an absolute deadline within which investigations must be completed, but provides that if they last more than 30 days, the investigator must seek and obtain an extension of time within which to complete the investigation.

Once the investigator completes the process of gathering evidence, the matter is reviewed at several levels to ensure that a thorough investigation was conducted, as required by the General Order.

There is no evidence of any substantial violation of the General Order in this case. Even if, however, the General Order was violated, there is no provision in the General Order requiring the extraordinary remedy of dismissal of the case as a sanction for such a violation. The Board declines to extend the reach of the General Order in this manner.

5. The Respondent, Police Officer Quantilda Peterson, Star No. 16500, charged herein, is **not guilty** of violating, to wit:

Rule 2: Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department,

in that the Superintendent did not prove by a preponderance of the evidence the following charge:

Count I: In April or May 2009, on one or more occasions, you shook your infant daughter when she was approximately one month old.

There is no question here that Officer Peterson shook her one-month old baby. She shook the baby one time and the baby was not injured. About four months after the incident, Officer Peterson told her psychiatrist what she had done, and the psychiatrist was mandated to report the incident to DCFS. After professional examination, it was determined that the incident occurred because Officer Peterson was suffering from post-partum depression. After treatment, Officer Peterson was deemed to be a fit parent and she was granted custody of the child.

It is undisputed that Officer Peterson's actions did not cause any injury to her child. The Board finds that this isolated incident and Officer Peterson's prompt effort to secure medical

treatment, as well as her decision to cooperate with child welfare officials, did not impede the Department's effort to achieve any of its policies or goals and did not bring discredit on the Department, particularly given the fact that the child suffered no injury. On the contrary, the Department's peer-support program worked precisely as it should and Officer Peterson responded to a stressful situation as she should have.

6. The Respondent, Police Officer Quantilda Peterson, Star No. 16500, charged herein, is **not guilty** of violating, to wit:

Rule 2: Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department,

in that the Superintendent did not prove by a preponderance of the evidence the following charge:

Count II: In April or May 2009, you placed a pillow over the face of your infant daughter when she was approximately one month old, and held it there for one or more seconds.

The Board credits Officer Peterson's testimony that she did not try to suffocate or injure her daughter with a pillow, but rather she threw a pillow which landed on the child for one or two seconds. Officer Peterson testified that she quickly pulled the pillow away from the child. The child was not injured. Officer Peterson's account of what transpired was not impeached by anything she previously said to IPRA. Thereafter, as noted in paragraph no. 5 above, Officer Peterson sought medical treatment and cooperated with child welfare officials. She was found fit for duty and all DCFS intervention with her family was terminated. As such, the Board does not find that Officer Peterson's conduct impeded the Department in its efforts to achieve any of its policies or goals, or brought discredit upon the Department.

7. The Respondent, Police Officer Quantilda Peterson, Star No. 16500, charged herein, is **not guilty** of violating, to wit:

Rule 8: Disrespect to or maltreatment of any person, on or off duty,  
in that the Superintendent did not prove by a preponderance of the evidence the following  
charge:

Count I: In April or May 2009, on one or more occasions, you shook your infant daughter when she was approximately one month old.

As explained in paragraph no. 5 above, Officer Peterson shook her infant daughter once, and it is stipulated that the child did not suffer any injury as a result of Officer Peterson's actions. Officer Peterson was in the throes of post-partum depression, for which she was subsequently treated. She participated with child welfare officials as well. Her action does not constitute maltreatment under Rule 8.

8. The Respondent, Police Officer Quantilda Peterson, Star No. 16500, charged herein, is **not guilty** of violating, to wit:

Rule 8: Disrespect to or maltreatment of any person, on or off duty,  
in that the Superintendent did not prove by a preponderance of the evidence the following  
charge:

Count II: In April or May 2009, you placed a pillow over the face of your infant daughter when she was approximately one month old, and held it there for one or more seconds.

As set forth in paragraph no. 6 above, the Board finds that Officer Peterson accidentally threw a pillow, which landed on her daughter's face for one or two seconds, and quickly pulled the pillow off of the infant. The infant suffered no injury from this incident. There is nothing about this accident that constitutes maltreatment of Officer Peterson's daughter under Rule 8.

**POLICE BOARD DECISION**

The Police Board of the City of Chicago, having read and reviewed the record of proceedings in this case, having viewed the video-recording of the testimony of the witnesses, having received the oral report of the Hearing Officer, and having conferred with the Hearing Officer on the credibility of the witnesses and the evidence, hereby adopts the findings set forth herein by the following votes:

By a vote of 8 in favor (Demetrius E. Carney, Ghian Foreman, Melissa M. Ballate, William F. Conlon, Michael Eaddy, Rita A. Fry, Elisa Rodriguez, and Rhoda D. Sweeney) to 0 opposed, the Board **denies** the Respondent's Motion to Strike and Dismiss; and

By votes of 8 in favor (Carney, Foreman, Ballate, Conlon, Eaddy, Fry, Rodriguez, and Sweeney) to 0 opposed, the Board finds the Respondent **not guilty** of violating Rule 2 and Rule 8.

As a result of the foregoing, the Board, by a vote of 8 in favor (Carney, Foreman, Ballate, Conlon, Eaddy, Fry, Rodriguez, and Sweeney) to 0 opposed, hereby determines that cause exists for restoring the Respondent to her position as a police officer with the Department of Police, and to the services of the City of Chicago, with all rights and benefits, effective September 6, 2014.

**NOW THEREFORE, IT IS HEREBY ORDERED** that the Respondent, Police Officer Quantilda Peterson, Star No. 16500, as a result of having been found **not guilty** of the charges in Police Board Case No. 14 PB 2873, be and hereby is **restored** to her position as a police officer with the Department of Police, and to the services of the City of Chicago, with all rights and benefits, effective September 6, 2014.

This disciplinary action is adopted and entered by a majority of the members of the Police Board: Demetrius E. Carney, Ghian Foreman, Melissa M. Ballate, William F. Conlon, Michael Eaddy, Rita A. Fry, Elisa Rodriguez, and Rhoda D. Sweeney.



Police Board Case No. 14 PB 2873  
Police Officer Quantilda Peterson

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 19<sup>th</sup> DAY  
OF FEBRUARY, 2015.

Attested by:

/s/ DEMETRIUS E. CARNEY  
President

/s/ MAX A. CAPRONI  
Executive Director

**DISSENT**

The following members of the Police Board hereby dissent from the Findings and Decision of the majority of the Board.

[None]

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RECEIVED A COPY OF

THESE FINDINGS AND DECISION

THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2015.

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GARRY F. McCARTHY  
Superintendent of Police