

BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO

IN THE MATTER OF CHARGES FILED AGAINST)
POLICE OFFICER ROBERT E. TAYLOR SR.,) No. 07 PB 2655
STAR No. 2734, DEPARTMENT OF POLICE,)
CITY OF CHICAGO,)
)
RESPONDENT) (CR No. 300268)

FINDINGS

On September 20, 2007, the Superintendent of Police filed with the Police Board of the City of Chicago charges against Police Officer Robert E. Taylor Sr., Star No. 2734 (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 1: Violation of any law or ordinance; and
- Rule 2: Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.

The Police Board caused a hearing on these charges against Police Officer Robert E. Taylor Sr. to be had before Michael G. Berland, Hearing Officer of the Police Board, on February 20 and March 11, 2008.

Following the hearing, the members of the Police Board read and reviewed the record of proceedings and viewed the video-recording of the testimony of witnesses. Michael G. Berland,

Hearing Officer, made an oral report to and conferred with the Police Board before it rendered a decision.

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

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

2. The charges were filed in writing and a notice, stating the time, date, and place, when and where a hearing of the charges was to be held, together with a copy of the original charges, were served upon the Respondent more than five (5) days prior to the hearing on the charges.

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

4. (a) Introduction. Prior to the filing of the present case, the Superintendent filed charges before the Police Board against Respondent in Police Board Case No. 05 PB 2578 ("Taylor I") alleging violations of Rules 1 and 2. Respondent was charged with being married to Bridgette A. Taylor ("Bridgette Taylor") while he was still married to Tamela R. Baker a/k/a Tamela A. Taylor ("Tamela Taylor"). A copy of the charges in Taylor I is attached to these Findings and Decision as Exhibit B. The Police Board found Respondent not guilty of the charges in Taylor I.

Thereafter, the Superintendent filed charges against Respondent in the present case ("Taylor II") alleging violations of Rules 1 & 2. The charges in Taylor II consisted of the following: (1) that, on or about August 13, 2004, while under oath, Respondent testified before Judge Gloria Coco that he never appeared and/or testified in Judge Eileen Mary Brewer's courtroom, or words to that effect, when in fact he did; (2) that, on or about November 25, 2002, Respondent completed and/or signed a Marriage Application and Record ("Marriage Application"), which indicated that Respondent was never married before, when in fact Respondent had been married on one or more prior occasions; and (3) that, on or about January 20, 2004, Respondent signed and/or certified a Petition for Dissolution of Marriage stating that he did not know Tamela Taylor's current residence or whereabouts, when those statements were false. A copy of the charges in Taylor II is attached to these Findings and Decision as Exhibit C.

Respondent's counsel filed an Amended Motion to Dismiss Taylor II on grounds of collateral estoppel and/or *res judicata* based on the disposition of Taylor I. The Superintendent disagreed, arguing that collateral estoppel and *res judicata* did not apply, and that the Police Board should decide Taylor II based on the evidence presented at the hearing.

(b) Collateral Estoppel. The principle of collateral estoppel bars the re-litigation of an issue that was adjudicated against a party in a prior case. Hayes v. State Teachers Certification Bd., 359 Ill. App. 3d 1153, 1161-1162 (5th Dist. 2005); Raper v. Hazelett & Erdahl, 114 Ill. App. 3d 649, 652 (1st Dist. 1983). One of the elements of collateral estoppel is that the issue decided in the prior adjudication must be identical with the one presented in the case under review. Raper, 114 Ill. App. 3d at 652. The Police Board finds that the issues in Taylor II, i.e., whether Respondent made false statements while testifying in certain court proceedings or when he signed certain documents, are totally different than the issue in Taylor I, i.e., whether Respondent was married to two women at the same time (and/or whether Respondent reasonably believed that he was not married to two women at the same time). As a result, the Police Board denies Respondent's Amended Motion to Dismiss Taylor II to the extent the motion is based on the principle of collateral estoppel.

(c) Res judicata. The principle of *res judicata* bars the re-litigation of claims that were or could have been raised in a prior case, between the same parties, that culminated in a final judgment. Bagnola v. SmithKline Beecham Clinical, 333 Ill. App. 3d 711, 717 (1st Dist. 2002). The party seeking to invoke *res*

judicata bears the burden of proving that it applies. Hayes, 359 Ill. App.3d at 1161. According to the Illinois Supreme Court, *res judicata* applies to bar a subsequent proceeding where (1) there was a final judgment on the merits in a prior case, (2) there is an identity of cause of action between the two cases, and (3) there is an identity of parties. River Park, Inc. v. The City Of Highland Park, 184 Ill.2d 290,302, 311 (1998). See also Downing v. Chicago Transit Authority, 162 Ill. 2d 70, 73-74 (1994).

As applied to Taylor I and Taylor II, there is no real dispute that a final judgment on the merits was entered in Taylor I and that there was an identity of parties in Taylor I and II. Thus, for purposes of determining whether *res judicata* bars the charges in Taylor II, the only remaining issue is whether there is an identity of the causes of action in Taylor I and Taylor II.

Illinois courts use the "transaction test" to determine whether there is an identity of the causes of action for purposes of applying *res judicata*. River Park, 184 Ill. 2d at 307. Under the transaction test, separate claims will be considered the same cause of action for purposes of *res judicata* if they arise from a single core of operative facts, or are part of a connected transaction, regardless of whether they assert different theories of relief. River Park, 184 Ill 2d at 307; Rodgers v. St. Mary's

Hospital, 149 Ill.2d 302, 311-312 (1992); See also, Regan v. Ivanelli, 246 Ill. App. 3d 798, 807-808 (2d Dist. 1993); and City of Rolling Meadows v. National Advertising Co., 228 Ill. App. 3d 737, 744 (1st Dist.). Thus, whether *res judicata* bars the charges in Taylor II depends on whether the facts giving rise to the charges in Taylor II arise from the same core of operative facts which gave rise to Taylor I.

(d) Application of Res judicata to Count I of Specification 1 and Count I of Specification 2 in Taylor II. In Count I of Specification 1 and Count I of Specification 2, the Superintendent charged Respondent with committing perjury on or about August 13, 2004, when Respondent testified before Judge Gloria Coco that he never appeared or testified in Judge Eileen Mary Brewer's courtroom.

The Police Board finds that the facts relating to the charge of perjury before Judge Coco do not arise from the same core of operative facts which gave rise to the charges in Taylor I. Respondent's testimony before Judge Coco had nothing to do with whether he was married to Tamela Taylor and Bridgette Taylor at the same time. The proceeding before Judge Coco was a criminal case, brought by Respondent against Bridgette Taylor, in which Respondent alleged conversion of property and telephone harassment. Respondent's perjury before Judge Coco did not arise

from the same core of operative facts which led to the charge that Respondent was married to two women at the same time. Because there was no identity of the causes of action between Count I of Specification 1 and Count II of Specification 2, on the one hand, and the charges in Taylor I on the other, *res judicata* does not apply to those charges.

As a result, the Police Board denies Respondent's Amended Motion to Dismiss Count I of Specification 1 and Count I of Specification 2 in Taylor II.

(e) Application of *Res judicata* to Count II of Specification 2 in Taylor II. In Count II of Specification 2, the Superintendent charged Respondent with making a false statement when Respondent signed a Marriage Application (to marry Bridgette Taylor) which stated he had not previously been married. The Marriage Application at issue was the subject of testimony in Taylor I. The false statement in Respondent's Marriage Application was directly related to the charges in Taylor I because it enabled Respondent to obtain a marriage license to marry Bridgette Taylor at the same time he was married to Tamela Taylor. Thus, the false statement in Respondent's Marriage Application, which is the subject of the charge in Taylor II, is directly connected to and arises out of the same core of operative facts that gave rise to the charges in Taylor I. For

these reasons, the Police Board finds that there is an identity of the causes of action in Count II of Specification 2 and Taylor I, and that *res judicata* bars that charge.

As a result, the Police Board grants Respondent's Amended Motion to Dismiss Count II of Specification 2 in Taylor II.

(f) Application of *Res judicata* to Count III of Specification 2 in Taylor 2. In Count III of Specification 2, the Superintendent charged Respondent with making a false statement in a Petition for Dissolution of Marriage (filed against Tamela Taylor) when Respondent stated that he did not know the current address or whereabouts of Tamela Taylor.

The Police Board finds that the facts relating to the false statement charge in the Petition for Dissolution of Marriage do not arise from the same core of operative facts which gave rise to the charges in Taylor I. The facts giving rise to Taylor I related to whether Respondent was married to two women at the same time, not Respondent's effort to divorce one of his spouses. Respondent's attempt to remedy his predicament, by seeking a divorce from Tamela Taylor, does not arise from the same core of operative facts which led to Respondent's being married to two women at the same time in the first place. Because there was no identity of the causes of action between Count III of Specification 2 and Taylor I, *res judicata* does not apply to that

charge.

As a result, the Police Board denies Respondent's Amended Motion to Dismiss Count III of Specification 2 in Taylor II.

(g) Conclusion. For the reasons set forth above, the Police Board grants in part and denies in part Respondent's Amended Motion to Dismiss the charges in Taylor II. The Police Board grants Respondent's Amended Motion to Dismiss Count II of Specification 2, and denies Respondent's Amended Motion to Dismiss Count I of Specification 1, Count I of Specification 2, and Count III of Specification 2.

5. The Respondent, Police Officer Robert E. Taylor Sr., Star No. 2734, charged herein, is **guilty** of violating, to wit:

Rule 1: Violation of any law or ordinance,

in that:

On or about August 13, 2004, while under oath, in a court proceeding before the Honorable Judge Gloria Coco, he testified that he never appeared and/or testified in the Honorable Judge Eileen Mary Brewer's courtroom, or words to that effect, when in fact he did, thereby violating Chapter 720 ILCS 5/32-2 by committing the act of Perjury.

6. The Respondent, Police Officer Robert E. Taylor Sr., Star No. 2734, charged herein, is **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:

Count I: On or about August 13, 2004, while under oath, in a court proceeding before the Honorable Judge Gloria Coco, he testified that he never appeared and/or testified in the Honorable Judge Eileen Mary Brewer's courtroom, or words to that effect, when in fact he did, thereby impeding the Department's efforts to achieve its policy and goals and/or bringing discredit upon the Department

Count III: On or about January 20, 2004, he, under penalty of perjury, signed and/or certified a Petition for Dissolution of Marriage, which was filed in the Circuit Court of Cook County, Illinois, County Department, Domestic Relations Division, indicating that he did not know the current residence and/or whereabouts of Tamela R. Taylor and/or Thelma R. Taylor and/or the Respondent in Case No. 04 D 00507, his wife at the time, when in fact he did, thereby impeding the Department's efforts to achieve its policy and goals and/or bringing discredit upon the Department.

By reason of the findings of fact and guilt set forth herein, cause exists for the discharge of the Respondent, Police Officer Robert E. Taylor Sr., Star No. 2734, from his position as a police officer with the Department of Police, and from the services of the City of Chicago.

Respectfully submitted,



MICHAEL G. BERLAND
Hearing Officer

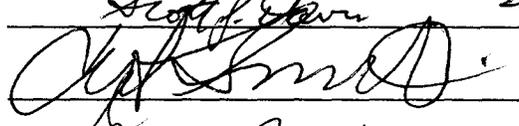
DECISION

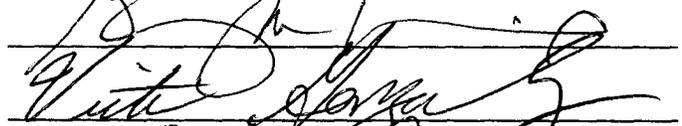
The Police Board of the City of Chicago, having read and reviewed the record of proceedings of this case, having viewed the video-recording of the hearing, having received the oral report of the Hearing Officer, Michael G. Berland, and having conferred with the Hearing Officer on the credibility of the witnesses and the evidence, hereby adopts all findings herein; and, in reaching its decision as to the penalty imposed, the Board has taken into account not only the facts of this case but also the Respondent's complimentary and disciplinary histories, copies of which are attached hereto as Exhibit A; and

IT IS HEREBY ORDERED that the Respondent, Police Officer Robert E. Taylor Sr., Star No. 2734, as a result of having been found **guilty** of charges in Police Board Case No. 07 PB 2655, be and hereby is **discharged** from his position as a police officer with the Department of Police, and from the services of the City of Chicago.

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS
19th DAY OF JUNE, 2008.









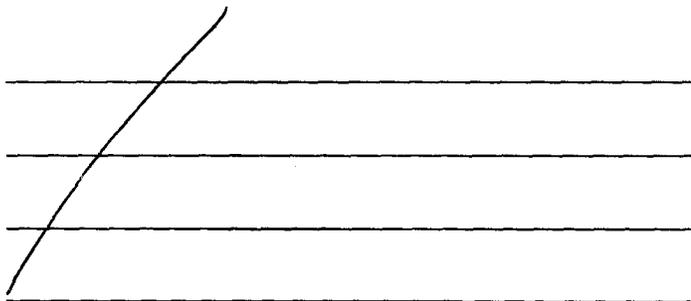
Attested by:



Executive Director
Police Board

DISSENT

The following members of the Police Board hereby dissent from the decision of the majority of the Board.



RECEIVED A COPY OF

THE FOREGOING COMMUNICATION

THIS _____ DAY OF _____, 2008.

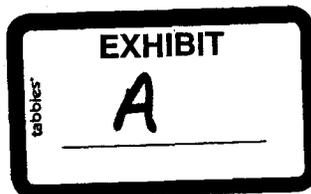
SUPERINTENDENT OF POLICE

PI12

* * * AWARDS AND COMMENDATIONS * * *

FUNCTION:

SSN	EMP #	NAME	ROBERT	E	TITLE	9161	MONTH AND YEAR RECEIVED	TOTAL
		SPECIAL COMMENDATION	/	/	/	/		0
		PARTNERSHIP AWARD	/	/	/	/		0
		SPECIAL SERVICE AWARD	/	/	/	/		0
		PROBLEM SOLVING AWARD	/	/	/	/		0
		BLUE SHIELD AWARD	/	/	/	/		0
		JOINT OPERATIONS AWARD	/	/	/	/		0
		DEPT COMMENDATION 001	AWARDS NUMBER	1	92039	2	3	
4	5	6	7	8	9	10		
HONORABLE MENTION 00022 COMPLIMENTARY LETTERS 006								
OTHER AWARDS								



Page 6

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02 JUN 05
Guzman
#304119

**INTERNAL AFFAIRS DIVISION
RECORDS SECTION**

10 MAY 2005

ONLY

TO: COMMANDING OFFICER UNIT 121 SIS
FROM: RECORDS SECTION
INTERNAL AFFAIRS DIVISION
SUBJECT: PREVIOUS SUSTAINED DISCIPLINARY HISTORY OF:

TAYLOR ROBERT	018
NAME (LAST, FIRST M.I.)	UNIT
M	BLK
SEX	RACE
	S.S.N.

REFERENCE: COMPLAINT REGISTER NUMBER 300268

THE PREVIOUS SUSTAINED DISCIPLINARY HISTORY OF THE SUBJECT ACCUSED HAS BEEN REQUESTED IN YOUR NAME BY:

SGT. GUZMAN C	725	121
RANK	NAME	UNIT
	STAR	S.S.N.

RELATIVE TO A SUSTAINED FINDING IN THE INVESTIGATION OF THE ABOVE REFERENCED COMPLAINT REGISTER NUMBER.

THE RECORDS SECTION, INTERNAL AFFAIRS DIVISION, DISCLOSES THE FOLLOWING DISCIPLINARY ACTION ADMINISTERED TO THE SUBJECT ACCUSED FOR THE PAST FIVE (5) YEARS.

VERIFIED/PREPARED BY:

PATRICIA JOHNSON

**FOR: COMMANDING OFFICER
RECORDS SECTION
INTERNAL AFFAIRS DIVISION**

SEE ATTACHED

Sup Ex 8

C.R. # 300268
ATTACHMENT # 29
PAGE # 1 OF 2

ISSUED FOR USE IN CR# 300268

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02-Jul-05
Guzman
#304119

CHICAGO POLICE DEPARTMENT Sustained Complaints History Report

<u>Social Sec. #</u> [REDACTED]	<u>Name</u> TAYLOR, ROBERT E.	<u>Star #</u> 2734	<u>Emp. #</u> 801945	<u>Rank</u> 9161	<u>Description</u> POLICE OFFICER	<u>Unit</u> 018
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<u>Sex</u> M	<u>Race</u> BLACK	<u>Birth Date</u> [REDACTED]	<u>Appointed Date</u> 27-FEB-1978	<u>No. Of CR's</u> 2	<u>No. Of SPAR's</u> 4
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<u>Case #</u> C 215134	<u>Incident Date</u> 25-JAN-1995	<u>Suspension Dates</u>	<u>Disciplinary Action Taken</u> **PENALTY NOT SERVED	<u>Final Category</u> 05G-WEAPON, USE/DISPLAY OF	<u>Less Serious Transgression</u>
<u>Civil Suit #</u>			<u>Police Board #</u>		
<u>Comments</u>					

<u>Case #</u> C 293532	<u>Incident Date</u> 20-OCT-2003	<u>Suspension Dates</u> 01-FEB-2005	<u>Disciplinary Action Taken</u> 5 DAY SUSPENSION	<u>Final Category</u> 10Z-MISCELLANEOUS	<u>Less Serious Transgression</u>
<u>Civil Suit #</u>		05-FEB-2005	<u>Police Board #</u>		
<u>Comments</u>					

<u>Case #</u> S041895	<u>Incident Date</u> 25-MAY-2004	<u>Suspension Dates</u>	<u>Disciplinary Action Taken</u> REPRIMAND	<u>Final Category</u>	<u>Less Serious Transgression</u> 025-PREVENTABLE ACCIDENT
<u>Civil Suit #</u>			<u>Police Board #</u>		
<u>Comments</u>					

<u>Case #</u> S041960	<u>Incident Date</u> 25-MAY-2004	<u>Suspension Dates</u> 26-JUN-2004	<u>Disciplinary Action Taken</u> EXCUSED WITHOUT PAY 2 DAYS	<u>Final Category</u>	<u>Less Serious Transgression</u> 005-COURT APPEARANCE VIOLATION
<u>Civil Suit #</u>		27-JUN-2004	<u>Police Board #</u>		
<u>Comments</u>	TRAFFIC				

<u>Case #</u> S042325	<u>Incident Date</u> 01-JUL-2004	<u>Suspension Dates</u> 3-SEP-2004	<u>Disciplinary Action Taken</u> EXCUSED WITHOUT PAY 2 DAYS	<u>Final Category</u>	<u>Less Serious Transgression</u> 005-COURT APPEARANCE VIOLATION
<u>Civil Suit #</u>		24-SEP-2004	<u>Police Board #</u>		
<u>Comments</u>	TRAFFIC				

<u>Case #</u> S043408	<u>Incident Date</u> 20-DEC-2004	<u>Suspension Dates</u>	<u>Disciplinary Action Taken</u> FORFEIT 2 DAYS	<u>Final Category</u>	<u>Less Serious Transgression</u> 005-COURT APPEARANCE VIOLATION
<u>Civil Suit #</u>			<u>Police Board #</u>		
<u>Comments</u>	TRAFFIC				

ISSUED FOR USE IN CR# 300 268

ONLY
C.R. # 300268
ATTACHMENT # 40
PAGE # 2 OF 2

CHARGES

Police Officer Robert E. Taylor, Sr., Star Number 2734, is charged with violating the following rules contained in Article V of the Rules and Regulations of the Chicago Police Department, which were in full force and effect on the date of the alleged violations:

- Rule 1: Violation of any law or ordinance
- Rule 2: Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department

SPECIFICATIONS

1. Police Officer Robert E. Taylor, Sr., Star Number 2734, is charged with violating Rule 1, "Violation of any law or ordinance," in the following instance:

From on or about December 20, 2002, until on or about March 10, 2004, or for some period of time therein, Police Officer Robert E. Taylor, Sr., was married to Bridgette A. Jones while he was still married to Tamela E. Taylor, thereby violating Chapter 720 ILCS 5/11-12(a), by committing the act of Bigamy.

2. Police Officer Robert E. Taylor, Sr., Star Number 2734, is charged with violating 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 the following instance:

From on or about December 20, 2002, until on or about March 10, 2004, or for some period of time therein, Police Officer Robert E. Taylor, Sr., was married to Bridgette A. Jones while he was still married to Tamela E. Jones, thereby impeding the Department's efforts to achieve its policy and goals and/or bring discredit upon the Department.

Based on the foregoing charges and specifications, the Superintendent recommends that Police Officer Robert E. Taylor, Sr., Star Number 2734, be discharged from the Chicago Police Department.



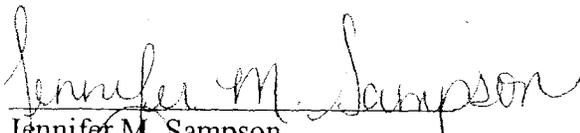
Philip J. Cline
Superintendent of Police

P. B. CASE # FILED

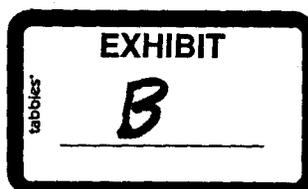
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APPROVED AS TO FORM:

CHICAGO POLICE BOARD



Jennifer M. Sampson
Assistant Corporation Counsel
Labor Division



AMENDED CHARGES

Police Officer Robert E. Taylor, Sr., Star Number 2734, is charged with violating the following rules contained in Article V of the Rules and Regulations of the Chicago Police Department, which were in full force and effect on the date of the alleged violations:

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Based on the foregoing charges and specifications, the Superintendent recommends that Police Officer Robert E. Taylor, Sr., Star Number 2734, be discharged from the Chicago Police Department.

POLICE BOARD
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CHARGES

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SPECIFICATIONS

1. Police Officer Robert E. Taylor, Sr., Star Number 2734, is charged with violating Rule 1, "Violation of any law or ordinance," in the following instance:

Count I: On or about August 13, 2004, while under oath, in a court proceeding before the Honorable Judge Gloria Coco, Police Officer Robert E. Taylor, Sr., testified that he never appeared and/or testified in the Honorable Judge Eileen Mary Brewer's courtroom, or words to that effect, when in fact he did, thereby violating Chapter 720 ILCS 5/32-2, by committing the act of Perjury.

2. Police Officer Robert E. Taylor, Sr., Star Number 2734, is charged with violating 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 the following instance:

Count I: On or about August 13, 2004, while under oath, in a court proceeding before the Honorable Judge Gloria Coco, Police Officer Robert E. Taylor, Sr., testified that he never appeared and/or testified in the Honorable Judge Eileen Mary Brewer's courtroom, or words to that effect, when in fact he did, thereby impeding the Department's efforts to achieve its policy and goals and/or bringing discredit upon the Department.

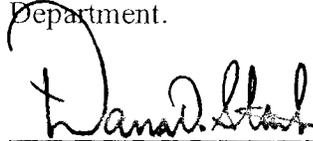
Count II: On or about November 25, 2002, Police Officer Robert E. Taylor, Sr., completed and/or signed a Marriage Application and Record which indicated that Police Officer Robert E. Taylor, Sr., was never married before and/or did not disclose that Police Officer Robert E. Taylor, Sr., was previously married, when in fact he had been married on one or more prior occasions, thereby impeding the Department's efforts to achieve its policy and goals and/or bringing discredit upon the Department.

Count III: On or about January 20, 2004, Police Officer Robert E. Taylor, Sr., under penalty of perjury, signed and/or certified a Petition for Dissolution of Marriage, which was filed with the Circuit Court of



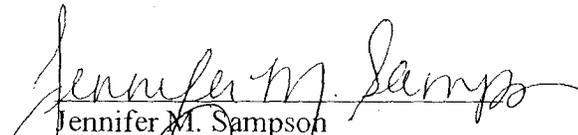
Cook County, Illinois, County Department. Domestic Relations Division, indicating that he did not know the current residence and/or whereabouts of Tamela R. Taylor and/or Thelma R. Taylor and/or the Respondent in Case No. 04 D 00507, his wife at the time, when in fact he did, thereby impeding the Department's efforts to achieve its policy and goals and/or bringing discredit upon the Department.

Based on the foregoing charges and specifications, the Superintendent recommends that Police Officer Robert E. Taylor, Sr., Star Number 2734, be discharged from the Chicago Police Department.



Dana V. Starks
Interim Superintendent of Police

APPROVED AS TO FORM:



Jennifer M. Sampson
Assistant Corporation Counsel
Labor Division

P.B. CASE # FILED

07-2655 SEP 20 2007

CHICAGO POLICE BOARD