



# Illinois Law Enforcement Training and Standards Board

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## ILETSB ADMINISTRATIVE HEARING PROCESSES AND RIGHTS

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### Purpose

Pursuant to 20 Ill. Adm. Code 1790.665, this document explains the rights and processes relating to the Illinois Law Enforcement Training and Standards Board's ("Board") administrative hearing process.

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### Scope

The Board's administrative hearing process is governed by Section 6.3 of the Illinois Police Training Act ([50 ILCS 705/6.3](#)), which was added by 2021's SAFE-T Act (Public Act 101-652). Three categories of cases relating to full-time or part-time law enforcement officers may be heard under the administrative hearing process:

1. **Discretionary decertification actions** initiated by the Board's certification attorneys in the form of Formal Complaints (50 ILCS 705/6.3).
2. **Contesting refusals of reactivation** initiated by affected law enforcement officers or employing agencies (50 ILCS 705/8.1(b) and 8.2(b)).
3. **Contesting emergency orders of suspension** initiated by affected law enforcement officers or employing agencies (50 ILCS 8.3(c)).

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### Process to Initiate Discretionary Decertification Hearings

Before a Formal Complaint for discretionary decertification is filed, the discretionary decertification process is initiated by filing of a Notice of Alleged Violation with the Board by persons required to do so when decertification conduct is discovered (law enforcement agencies, officers, States Attorneys, and the Executive Director of the Board) or by any other individual who becomes aware of decertification conduct of an officer. After receipt of a Notice of Alleged Violation, Board investigators perform a Preliminary Review of the allegations and supporting evidence submitted to the Board. If, after the Preliminary Review, certification staff believes there is insufficient information supporting the allegations to warrant further investigation, it may close a Notice. If after the Preliminary Review, the Board believes there is sufficient information to warrant further investigation of any violations of this Act, the alleged violation or violations are assigned for Investigation and completion of an Investigative Summary Report. If the Board's certification attorneys believe there is a reasonable basis to believe that the law

enforcement officer committed any conduct that would be deemed a violation of the Illinois Police Training Act, they will file a Formal Complaint against the officer.

If the Board's certification attorneys file a Formal Complaint, the Panel will serve a complaint on the officer by personal service, email, or mail. That correspondence will include the case number and reference number so that the officer or the officer's attorney may file a response at <https://hearings.ptb.illinois.gov/>. A [sample Answer to a Formal Complaint](#) can be found on the Board's website.

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### **Process to Contest a Refusal of Reactivation**

A law enforcement officer's certification becomes inactive upon termination, resignation, retirement, or separation from the officer's employing law enforcement agency for any reason. In order to be reactivated upon being hired by a new employing law enforcement agency, the officer's new agency must show that the officer: (i) has accepted a full-time or part-time law enforcement position with that law enforcement agency; (ii) is not the subject of a decertification proceeding; and (iii) meets all other criteria for reactivation required by the Board, including:

1. Being of good character pursuant to 50 ILCS 705/6 e.
2. Not being convicted, as defined by 50 ILCS 705/6.1 (a-1), of any felony
3. Not being convicted, as defined by 50 ILCS 705/6.1 (a-1) of any disqualifying misdemeanor as listed in 50 ILCS 705/6.1(a)
4. Not having been involved in any crime of moral turpitude as defined in 20 Ill. Adm. Code 1720.35

If the Board refuses to reactivate an officer, the officer and the agency will be sent a letter advising of the refusal of reactivation. That letter will contain a reference number for the law enforcement officer or the employing agency to request a hearing to contest the refusal of reactivation. The officer or agency contesting, or the attorney for the officer or agency, will enter the reference number at <https://hearings.ptb.illinois.gov/> to request a hearing. A [sample request for a hearing](#) on reactivation refusal can be found on the Board's website.

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### **Process to Contest an Emergency Order of Suspension**

The Board may issue an emergency order of suspension immediately suspending any officer who has been arrested or indicted on any felony charge. If an emergency order of suspension is issued, the Board shall serve notice on the law enforcement officer, the employing agency, the chief executive officer of the employing agency, and the state. That correspondence will contain a reference number for the law enforcement officer or the employing agency to request a hearing to contest the emergency order of suspension. The officer or agency contesting, or the attorney for the officer or agency, will enter the reference number at <https://hearings.ptb.illinois.gov/> to request a hearing.

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## **Hearing Process – Formal Complaints & Contesting Refusals of Reactivation**

After the filing of a Formal Complaint or a contesting of a refusal of reactivation, the case will be assigned to an Administrative Law Judge and the Certification Review Panel will send a notice of the due date for an answer, the prehearing conference date, and the hearing date before the ALJ and, for a Formal Complaint, additional information as required by law. A prehearing conference will be held with the Administrative Law Judge and the parties to discuss various procedural issues relating to the hearing.

After the prehearing conference, there may be motions made by parties and exchange of some documents. On the day of the hearing, some motions may be heard and decided, evidence and testimony will be presented by the Board's certification attorneys, and you or your attorney may present your evidence and testimony. Following the hearing, the Administrative Law Judge will issue a decision no later than 60 days following the hearing. Within 15 days after the Administrative Law Judge's decision, any party may file with the Certification Review Panel a statement of objection with respect to the conduct of the hearing.

After the Administrative Law Judge issues a decision, the matter will proceed to a review and decision by the Certification Review Panel. No new or additional evidence may be presented to the Panel, but the Panel may review any timely filed statements of objections. After the Panel considers the hearing officer's findings of facts, conclusions of law, recommended disposition, and submitted objections and the evidence entered at the hearing, the Panel will issue a summary report no later than 30 days following the Panel's meeting.

Upon receipt of the Panel's summary report, the Board will make the final decision as to whether an officer should be decertified or continue to refuse to reactive an officer. However, the losing party may file a motion for reconsideration to the Board's final decision within 30 days after service of the Board's final decision to the Board's Review Committee, who shall either deny or grant the motion for reconsideration.

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## **Hearing Process – Contesting Emergency Orders of Suspension**

The hearing process for contesting for Emergency Orders of Suspension is the same as for Formal Complaints or contesting refusals of reactivation noted above except that the summary report of the Certification Review Panel relating to an emergency order of suspension is a final decision and is not subject to the Law Enforcement Training Standards Board approval or appeal to the Board's Review Committee. The Panel will notify the law enforcement officer and employing agency of their decision within 7 days of the issuance of the summary report.

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## **Key Procedures and Your Rights**

### **1. Notification**

- Officers and employing agencies are notified in writing of the filing of the Formal Complaint, refusal of reactivation, or emergency order of suspension.

### **2. Representation of your interests**

- You may represent yourself in the hearing process or hire an attorney who is licensed to practice in Illinois or an out-of-state attorney appearing Pro Hac Vice. Some unions may provide an attorney to handle your hearing, so contact your union if you receive a Formal Complaint, notice of a refused reactivation, or notice of an emergency order of suspension.

### **3. Default**

- If you fail to file an answer or otherwise refuse to participate in the administrative hearing process, a default may be filed against you. If you are defaulted, all the allegations made in a Formal Complaint, refusal for reactivation, or emergency order of suspension are treated as true and the action against you will be confirmed.

### **4. Settlement Agreements**

- You and the Board's certification attorneys may negotiate a settlement agreement if both parties agree on its terms. That agreement may not be modified by the administrative law judge.

### **5. Hearing Process**

- You have the right to an administrative hearing conducted under the Illinois Administrative Procedure Act, including, but not limited to, presenting evidence, calling witnesses, and cross-examining witnesses.

### **6. Judicial Review (Appeal of a Final Decision)**

- Officers and agencies may appeal final decisions of the Panel, Board, or Review Committee to the circuit court under the requirements of the Administrative Review Law.
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