**Section 1221.210 Noncompliance**

a) The Department's Asset Forfeiture Section will perform compliance checks on up to 5% of all participating agencies each year.

b) If the Department's Asset Forfeiture Section deems a participating agency to be non-compliant with subsection (c) based upon a compliance check, the Director may:

1) Order property that was previously awarded under this Act to be returned to the Director; or

2) Sanction the non-compliant participating agency with a goal of remedying any non-compliant activity.

A) Sanctions may include but are not limited to:

i) remedial education;

ii) additional training;

iii) additional mandatory reporting requirements;

iv) delay in distribution of forfeited property pending compliance;

v) extinguishing the participating agency shares of un-distributed or seized but not yet forfeited property;

vi) suspension from the program; and

vii) removal from the program.

B) Non-compliant agencies removed from the program may be ordered to:

i) return all awarded property, any property purchased with forfeited funds, and any forfeited funds held by the participating agency as of the date of the removal from the program; and

ii) terminate any contracts involving the use of forfeited funds or cease using such funds for future payments under the contract if not terminated.

c) Non-compliance may include but not be limited to any of the following:

1) violating the Act or this Part;

2) disobeying or disregarding an order or directive of the Director regarding the program;

3) use of forfeited funds or property inconsistent with:

A) the Act, which allows for funds to be used for:

i) crime, gang, or abuse prevention or intervention programs;

ii) compensation or services for crime victims;

iii) witness protection, informant fees, and controlled purchases of contraband;

iv) salaries, overtime, and benefits, as permitted by law;

v) operating expenses, including but not limited to, capital expenditures for vehicles, firearms, equipment, computers, furniture, office supplies, postage, printing, membership fees paid to trade associations, and fees for professional services including auditing, court reporting, expert witnesses, and attorneys;

vi) travel, meals, entertainment, conferences, training, and continuing education seminars; and

vii) other expenditures of forfeiture proceeds.

B) Article 36 of the Criminal Code of 2012 [720 ILCS 5/36-1], the Illinois Streetgang Terrorism Omnibus Prevention Act [740 ILCS 147/1], the Drug Asset Forfeiture Procedure Act [725 ILCS 150/1], the Illinois Food, Drug and Cosmetic Act [410 ILCS 620/3.23], the Narcotics Profit Forfeiture Act [725 ILCS 175U/1], the Cannabis Control Act [720 ILCS 550/1], and the Illinois Controlled Substances Act [720 ILCS 570/100], which allow for funds to be used for:

i) the enforcement of laws governing cannabis and controlled substances;

ii) public education in the commuity or schools in the prevention or detection of the abuse of drugs or alcohol; or

iii) security cameras used for the prevention or detection of violence;

C) the money laundering [720 ILCS 5/29], the financial institution fraud [720 ILCS 5/17-10.6], the street gang and racketeer influence and corruption [720 ILCS 5/33G-6] provisions of the Illinois Criminal Code of 2012, which allow for funds to be used for the enforcement of these laws;

D) the Environmental Protection Act [415 ILCS 5/44.1], which allows for funds to be used for the enforcement of the environmental protection laws of this State;

E) the Herptiles-Herps Act [510 ILCS 68/105-55], the Fish and Aquatic Life Code [515 ILCS 5/1-215], and the Wildlife Code [520 ILCS 5/1.25], which allow for funds to be deposited in the Wildlife Preservation Fund; or

F) the gambling and related offenses [720 ILCS 5/28-5] provisions of the Illinois Criminal Code of 2012, which allow for funds to be deposited in the general fund of the county wherein such seizure occurred;

4) failure to timely submit to the annual reporting requirement;

5) negative audit or compliance check findings; or

6) failure to cooperate with an audit or compliance check.

d) Participating agencies may appeal a finding of noncompliance by submitting documentation to the Department's Asset Forfeiture Section for further review by the Director or the Director's designee.

1) Within 30 days of receiving notice from the Department of non-compliance, the participating agency shall provide written responses to the findings. The audited entity's response options are:

A) "Concur" – the participating agency agrees with the finding.

B) "Do not concur" – the participating agency does not agree with the finding.

2) The response will also include a corrective action plan and an estimated completion date of the corrective action.

A) If corrective action is impeded by fiscal or staffing issues outside of participating agency's control, the use of compensating controls should be considered until appropriate resources are allocated.

B) If a conference is requested, Asset Forfeiture staff will meet with the appropriate management/command to discuss the findings.

C) Once Asset Forfeiture staff and the participating agency agree on the findings, the participating agency will then provide a written response for each finding.

3) All written communication shall be sent to:

Illinois State Police

Asset Forfeiture Section

801 South Seventh Street, Suite 700-A

Springfield, Illinois 62703