



FOR IMMEDIATE RELEASE

A number of citizens have asked about our view regarding the “enforceability” of the Governor’s Executive Orders. While we do not believe such matters lend themselves to quick soundbite answers, we hope to clarify thoughts on the matter through this release.

We are aware of no criminal penalty outlined in the Governor’s orders and while we have not watched all of his press conferences or read all of his comments on the topic, it is our understanding that the Governor has specifically acknowledged and stated that the order itself does not create a criminal offense. While opinions vary as to whether the Governor exceeded his authority in entering his executive orders, and our courts will undoubtedly resolve that question, one thing everyone seemingly agrees on is that a violation of the order itself does not equate to a violation of Illinois Criminal Code of 2012. We agree.

Nevertheless, numerous factors prevent us from making grandiose generalized statements regarding enforcement of all things COVID-19. The Sheriff’s Department cannot simply ignore the community caretaking calls it receives in addition to its law enforcement calls and will prioritize those calls appropriately. Similarly, the State’s Attorney’s Office must review all reports forwarded to it from every law enforcement entity to screen for appropriate charges, if any, on a case-by-case basis without prejudging any given circumstance.

To date, the Sheriff’s Department has made no arrests and the State’s Attorney’s Office has filed no charges related to the Governor’s orders concerning COVID-19. Moreover, we are unaware of whether the State has taken any enforcement action akin to what has been reported against The Outpost in Woodford County. However, it bears reminding for all citizens that the State’s authority to take enforcement action exists independently of either the Sheriff or the State’s Attorney. Furthermore, as many throughout the state have mentioned, from the Logan County Sheriff to the Grundy County State’s Attorney, a fear exists that ignoring social distancing recommendations may eventually lead to a violation of a criminal statute such as trespassing in the event that a business asks a patron to leave who refuses to do so or a physical confrontation between individuals who disagree on appropriate use of protective equipment.

Like our colleagues, we ask that all citizens respect each other’s views and do your best to keep yourself and your loved ones safe during these unprecedented times. As noted above, complicated matters such as these rarely lend themselves to answer that can be conveyed in soundbites or press releases. As such, if you wish to discuss this matter further with the Sheriff or State’s Attorney, please call our offices at 888-5034 (Sheriff) or 888-5400 (State’s Attorney). To a person, every citizen that has taken the time to discuss these issues with us has seemed to appreciate the dialogue as much as we have appreciated their comments on the matter.

Jon Sandage
McLean County Sheriff

Don Knapp
McLean County State’s Attorney