

**EMERGENCY EXECUTIVE ORDER  
NO. 8  
ESSENTIAL BUSINESS ONLY**

**MARCH 2020**

# EMERGENCY EXECUTIVE ORDER NO. 8

- From March 21, 2020, and through April 7, 2020, all businesses in Illinois that are not considered “essential businesses” must be closed to the public.
- The Executive Order grants enforcement authority to: State and local law enforcement pursuant to, *inter alia*, Section 7, Section 18, and Section 19 of the Illinois Emergency Management Agency Act, 20 ILCS 3305.

# WHAT IS AN ESSENTIAL BUSINESS?

- Essential Businesses and Operations **INCLUDE:** stores that sell groceries and medicines; producers of food, beverages, or cannabis; charitable or social service organizations; media; gas stations and businesses needed for transportation; financial institutions; hardware and supply stores; critical trades (construction and tradesmen/women); mail, post, shipping, logistics, and delivery and pick-up services; educational institutions and places of worship (for the purpose of facilitating distance learning, online services, or other essential functions); laundry services; restaurants for consumption off premises; supplies to work from home; supplies for essential business and operations; travel; home care; residential care; legal, accounting and insurance services; certain day care locations; manufacture, distribution, and supply chain for critical products and industries; critical labor union functions; hotels and motels; and funeral functions.

# WHAT IS **NOT** AN ESSENTIAL BUSINESS?

- Essential Businesses and Operations **DO NOT INCLUDE:** places of public amusement, whether indoors or outdoors, locations with amusement rides, carnivals, amusement parks, water parks, aquariums, zoos, museums, arcades, fairs, children's play centers, playgrounds, funplexes, theme parks, bowling alleys, movie and other theaters, concert and music halls, and country clubs or social clubs, fitness and exercise gyms, spas, salons, barber shops, tattoo parlors, and similar facilities.

## COMPLAINT WORKFLOW

- COMPLAINTS REGARDING NON-ESSENTIAL BUSINESS MAY COME TO:
  - IDPH TO LOCAL DPH TO LAW ENFORCEMENT
  - DCEO TO LOCAL LAW ENFORCEMENT
  - CITIZEN COMPLAINTS DIRECTLY TO LOCAL LAW ENFORCEMENT
  - LAW ENFORCEMENT DIRECT OBSERVATION

IF YOU ARE UNSURE WHETHER A BUSINESS IS ESSENTIAL,  
CONTACT LOCAL SAO AND DPH

## STEP ONE-COMMUNITY CARETAKER APPROACH

- **Community caretaking** refers to a police act that is unrelated to the investigation of crime. Community caretaking does not require police to have reasonable suspicion, probable cause, or a warrant to engage in contact with a citizen to protect health and safety. *People v. McDonough*, 239 Ill. 2d 260, 271-75 (2010).
- Ensuring that businesses that remain open are performing essential functions is a component of community caretaking.
- Similarly, educating and advising businesses that are obviously not essential that they must close is a component of community caretaking.

## (OBVIOUS) NON-ESSENTIAL BUSINESSES

- If a complaint is received or an officer observes that a non-essential business is open (hair/nail salon, barbershop, tattoo parlor, etc.) law enforcement should:
  - Advise customers present to leave the business and return to their residences in compliance with the shelter at home provisions of EO 8.
  - Provide the business owner with guidance and information regarding EO 8 which can include IDPH Statement of Authority and Local Cease & Desist Notices if any exist.
  - **Be safe!** Exercise social distancing and utilize PPE per department directive.

## ENFORCEMENT FOR (POTENTIALLY) NON-ESSENTIAL BUSINESSES

- If law enforcement receives a complaint that a business is remaining open but may not be essential, and the operation of this business is not clearly prohibited in EO 8, law enforcement should:
  - Consult with local DPH and SAO;
  - Conduct an open source investigation to obtain more information about the business;
  - Inquire with the business owner directly about the nature/operation of the business;
  - Work with DPH, SAO, and State agencies (IDPH, AG, DCEO) to determine whether business is essential;
  - If not essential, advise business; may present business with IDPH Statement of Authority, Cease and Desist Notices (may be provided by local licensing authorities, law enforcement, local municipality, or AG)



# ENFORCEMENT WARNING

- If business refuses to comply, law enforcement should warn of potential consequences, including:
  - Rescission of business licenses;
  - IDPH Order of Closure
  - Criminal and/or Civil Liability
- IF BUSINESS STILL REFUSES TO CLOSE, LAW ENFORCEMENT SHOULD CONTACT LOCAL SAO AND COORDINATE WITH VARIOUS LOCAL ENTITIES (DPH, LIQUOR COMMISSION, ETC) TO DETERMINE MOST EFFECTIVE MECHANISM TO EFFECTUATE CLOSURE

# ENFORCEMENT OPTIONS

- 1. LICENSE RESCISSION
  - WORK WITH LOCAL AUTHORITIES TO BEGIN RESCISSION PROCESSES
- 2. WORK WITH LOCAL SAO TO OBTAIN CIRCUIT COURT ORDER MANDATING COMPLIANCE WITH GOVERNOR'S ORDER
- 3. IDPH CLOSURE ORDER (20 ILCS 2305/3(c)).
- 4. CRIMINAL CHARGES (PROVIDED FOR IN IDPH ACT OR CRIMINAL RECKLESS CONDUCT, 725 ILCS 5/12-5(a))
- 5. OTHER CIVIL REMEDIES (TRO PURSUANT TO PUBLIC NUISANCE PRINCIPLES)

- Northern Command – Major M. Witt, 847-294-4525, [Michael.Witt@illinois.gov](mailto:Michael.Witt@illinois.gov)
  - Zone 1 – Acting Captain Matt Gainer, 312-656-0857, [Matthew.Gainer@illinois.gov](mailto:Matthew.Gainer@illinois.gov)
  - Zone 2 – Captain C. Endress, 309-752-4915 x 4930, [Christopher.Endress@illinois.gov](mailto:Christopher.Endress@illinois.gov)
  - Zone 3 – Captain R. Wilk, 815-726-6377 [Richard.Wilk@illinois.gov](mailto:Richard.Wilk@illinois.gov),
  - StateWide Gaming – Lt. S. Brannon, 312-814-4655, [Sean.Brannon@illinois.gov](mailto:Sean.Brannon@illinois.gov)
- Central Command – Major T. Phillips, 2175245554, [Troy.Phillips@illinois.gov](mailto:Troy.Phillips@illinois.gov)
  - Zone 4 – Captain. D. Payton, (217) 782-4750, [Donald.Payton@illinois.gov](mailto:Donald.Payton@illinois.gov)
  - Zone 5 – Captain J. Henderson, 217-278-5000, [Jason.Henderson@illinois.gov](mailto:Jason.Henderson@illinois.gov)
- South Command – Major W. Sons, 217-557-0112, [William.Sons@illinois.gov](mailto:William.Sons@illinois.gov)
  - Zone 6 – Lt. C. Brown, 618-346-3721, [Calvin.Brown@illinois.gov](mailto:Calvin.Brown@illinois.gov)
  - Zone 7 – Lt. R. Shoemaker, 217 994-3579 , [Ryan.Shoemaker@illinois.gov](mailto:Ryan.Shoemaker@illinois.gov)
- STIC – Center Chief Lt. B. Workman, 618-791-6196, [Byron.Workman@illinois.gov](mailto:Byron.Workman@illinois.gov)

ISP Districts Map - <https://www.isp.state.il.us/districts/districtfinder.cfm>