



Office of the Kane County State's Attorney  
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**FOR IMMEDIATE RELEASE**

April 30, 2026

**Statement from State's Attorney Mosser on Elgin ICE  
Complaints from December 6, 2025**

**ST. CHARLES, IL** – On the morning of December 6, 2025, members of the Elgin Police Department were called to a church parking lot where they saw that a vehicle belonging to the federal government had crashed into a tree and another vehicle. According to federal agents at the scene, the other vehicle belonged to an undocumented man who had fled into an apartment complex on Maple Lane. More federal agents arrived, and some followed the undocumented man to the apartment complex.

A 9-1-1 caller from within the apartment complex contacted police. Police learned that the undocumented man had pushed his way into an apartment and refused to leave. The undocumented man was eventually pushed onto a second-floor balcony by the homeowners, and the door was locked behind him.

Prior to the arrival of the Elgin Police Department, the activity of the federal agents became known to the community. Several hundred residents began to assemble. Some were part of groups called 'Rapid Response Teams,' some were not. These 'Teams' are not affiliated with law enforcement. While most were peacefully protesting, there were several individuals that were not. Several individuals were, yelling obscenities, throwing things at the agents, and disobeying lawful orders to back up and move away from the scene of an enforcement action.

Federal agents eventually forced entry into the apartment and apprehended the undocumented individual.

During the events of that day, actions taken by federal agents raised concerns about excessive use of force. As such, the Elgin Police Department conducted an investigation into the incident. The Kane County State's Attorney's Office reviewed that investigation and all of the evidence available to determine if any federal agents should be charged with a crime under Illinois law. Included in that review was hours of Elgin Body Worn Camera, Elgin Police Vehicles, police reports, and videos and photos obtained from the community and provided to the Elgin Police Department. My office also reviewed the actions of the Elgin Police officers at the scene to determine if their response was appropriate and in compliance with Illinois law, including the Trust Act. My office was unable to obtain the identities of involved federal agents.

[Video 1: EPD Responds to Car Crash at Church](#) – Elgin Police officers responded to the scene of a car crash involving federal agents at a church near Maple Lane.

**As a result of my review, I have made the following findings:**

First, regarding the undocumented individual who was being pursued by federal agents. My office was advised yesterday from the Governor's Office that there is additional information that they were able to receive from the undocumented person that my office was not privy to. It was determined that further fact finding was needed to come to a definitive charging decision regarding his actions of entering the apartment in Elgin with no permission to do so and remaining despite being told to leave by the apartment occupants.

Second, despite state law being broken, I am unable to charge a federal agent who used force against protesters, including one who shot a man with a pepper ball gun that then ricocheted off striking a woman in the face. This is due to federal law and the Supremacy Clause of the U.S. Constitution.

Third, no member of the Elgin Police Department violated federal law, state law, or the Illinois Trust Act.

**There are two incidents of note that happened between a federal agent and the community.**

Both occurred before Elgin police officers arrived on the scene.

The first was an unidentified federal agent that was instructing individuals to get on the sidewalk. People were complying with individuals, including Male Victim #1 and Female Victim #2, that are depicted in the below video. Male Victim #1 is seen to comply with the orders and looks at the federal agent. The agent then raises his PepperBall gun from a short distance away and shoots Male Victim #1 in the face. The pepper ball ricochets off of the male victim's face and hits the female victim in the face as well.

[Video 2: PepperBall Shooting Incident](#)

That use of force would be considered Aggravated Battery under Illinois law. However, federal law constrains my ability to charge federal agents when they commit state crimes. The Supremacy Clause of the Constitution has been construed to provide constitutional protections to federal agents during the execution of official duties. According to the U.S. Supreme Court, a state court has no criminal jurisdiction over a federal agent if (1) the agent was performing an act that he was authorized to do by the law of the United States and (2) in performing that authorized act, the agent did no more than what was necessary and proper for him to do. Federal circuit courts have held that the agent's actions need to have only a reasonable relation and connection to his official duties. They have also held that the agent must only show that he reasonably thought his actions to be necessary and justifiable. A mistake in judgement is not enough. While the Court also has to objectively look at the use of force, the court has to take into consideration the totality of circumstances which, in this incident, showed an atmosphere in which both threats were heard and violent actions were seen by some of the protestors.

As reprehensible as the action was of this federal agent, under federal law, I am not able to charge the federal agent with the state offense of Aggravated Battery. I would hope that this video would be used by the federal government to discipline this agent and train him on proper police tactics.

The second incident occurred when an individual was tackled by several agents. It is unknown what happened prior to him being taken to the ground, as it was not captured on video. However, there were several individuals arguing with the federal agents. Several agents deployed tear gas while snowballs and other items were being thrown at the agents.

[Video 3: Individual Tackled Incident](#)

Not knowing why the takedown of the individual occurred, I cannot opine on the actions of the agents. However, I will note that, under Illinois law, a person is not authorized to use force to resist an arrest that

he knows is being made either by a peace officer even if he believes that the arrest is unlawful and the arrest in fact is unlawful. This unidentified person had no authority to resist the efforts of the federal agents even if he believed that being detained was proper.

Some of the federal agents appear to not be attempting any de-escalation techniques. Federal agents were pepper-spraying members of the community, walking in and out of the large crowd, engaging in banter with the protestors, raising non-lethal weapons, and even unholstering their guns. All the while, some of the protestors were not complying while many were.

**Now I would like to turn to the work of the men and women of the Elgin Police Department.**

It is important for me to note that the Elgin Police Department is constrained by the law just as much as they must enforce the law. In this case, all local law enforcement must abide by the TRUST Act, which is a law that was signed into place by Republican Governor Bruce Rauner. This act prohibits law enforcement from assisting with Federal Immigration Enforcement unless presented with a federal criminal warrant.

On December 6, Elgin was never presented with a warrant and did not in any way assist with the immigration enforcement. I am finding that the Elgin Police Department did not violate the Trust Act in any way.

Further, the Elgin Police Department is not able to interfere with immigration enforcement under federal law. If they interfered, they could be arrested and prosecuted for Obstructing Federal Agents.

Lastly, the Elgin Police Department responded to several 911 calls—made by ICE agents and members of our community. The Elgin Police Department responded to every single one of these calls.

Their focus primarily was on seeing who needed medical attention. They walked through the crowds inquiring about people who needed assistance, directed people to a medical station they had set up, and even assisted in transporting people.

They attempted to calm people as they went through. When questioned why they were not stopping ICE, they responded professionally that they could neither assist nor interfere. Additionally, the actions committed by the ICE agents of being in pursuit of the undocumented person that resulted in a crash, the pepper ball shot to the individual, the pepper spraying and use of tear gas, and the attempt to take an individual into custody all happened prior to the arrival of the Elgin Police Department. There are no documented or alleged uses of force by the ICE agents from the community while Elgin Police Officers were on scene.

A follow-up was conducted by the Elgin Police Department, and police reports were taken, which were sent to my office for review. The Department created a link for public video submissions. We greatly appreciate all the information that the community provided to us.

During another instance, a woman who knew the couple that had their home entered without authorization was speaking with an Elgin officer as the door had been kicked in by federal agents and could not close. The Elgin officers offered to come board the apartment up for their protection. While this was being done, people were recording the officers, asking intrusive questions, and threatening them, causing the police to move with the individual so that she felt comfortable.

The men and women of the Elgin Police Department followed the State and Federal law, the Trust Act, and they provided access to medical care. They acted professionally, although faced with people who were very dissatisfied with the actions of the Federal Government.

I also want to note the actions taken in the weeks and month after. The City of Elgin has held a community forum to hear from concerned residents and continues to be open and transparent with the people whom they serve.

I would like to thank Elgin Police Chief Ana Lalley, her command staff, and the men and women of the Elgin Police Department for their professionalism that day.

[Video 4: Elgin Police Department's Response](#) – This is a compilation of excerpts from recordings from the day of the incident depicting the response by the Elgin Police Department including providing access to medical care, answering questions, and other assistance to the community.

[Video 5: Community Members at the Scene](#) – This is a compilation of excerpts from the recordings from the day of the incident depicting some of the protestors' reactions to the Elgin Police Department.

### **Moving forward – Amending the Trust Act**

Lastly, I will note that myself and the Elgin Chief of Police are involved with other stakeholders in an effort to propose changes to the Illinois Trust Act that will reduce the number of incidents like this. Our proposals include allowing federal authorities to notify local police of enforcement activities that may result in public unrest or protests.

By amending the Act in this way, we believe we can keep all residents of Illinois safer.

We have compiled some video footage for the purpose of this release. These full videos will be available through the [Elgin Police Department Transparency Hub](#) in upcoming weeks.

### **Attachments**

- [Videos 1-5](#)
- [Elgin Police Department Transparency Hub](#)

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