FTCA Standard Form 95 – Attachment (Excerpted)
Claimant: Jose Villegas Gonzalez, as personal representative of the Estate of Silverio Villegas Gonzalez

8. Basis for the Claim

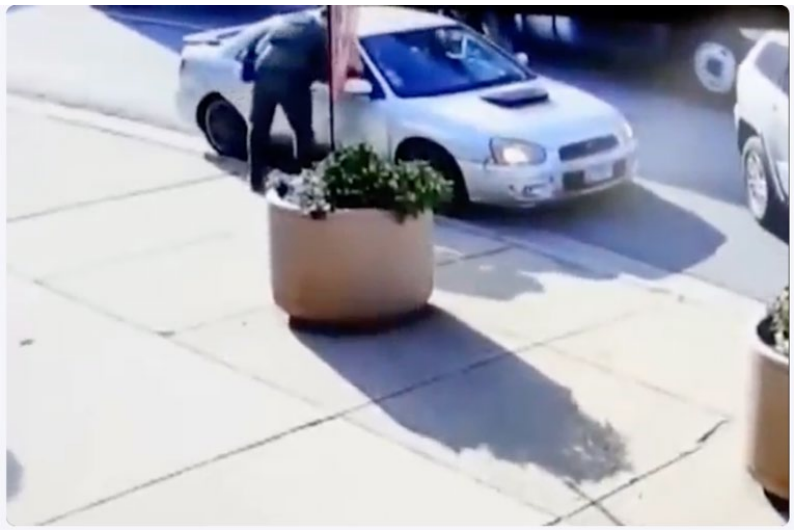
ICE officers shoot and kill Silverio Villegas Gonzalez during a traffic stop.

On the morning of September 12, 2025, Silverio Villegas Gonzalez drops off his seven-year-old son at school and his three-year-old son at daycare and heads to work. Silverio had lived and worked in the United States for about 18 years and was working as a line cook at a local diner. Silverio was a devoted father. His children lived with him, and he was the primary parent in their lives. He maintained close relationships with family and was a man of faith. He took his children to church and to visit a shrine to Our Lady of Guadalupe. He had no criminal record and only a few minor traffic violations.

Soon after Silverio drops off his kids that day, two ICE officers in an unmarked Jeep follow him on Grand Avenue in Franklin Park, then turn on their emergency lights. The time is approximately 8:48 a.m.

Silverio pulls over in the rightmost lane. The ICE agents park their Jeep in front of Silverio's car, blocking his path forward and partially blocking the second lane of traffic. Both officers get out of their truck and approach Silverio's small Subaru sedan. Both officers are armed and wearing protective vests. Neither officer is wearing a body camera, even though ICE policy in effect at the time requires officers to activate body-worn cameras during enforcement activity.

One officer approaches the passenger-side window while the other subsequently approaches the driver's window. The officer on the passenger side taps on the window, and Silverio rolls the window down. Both officers lean on the car's window frames to speak with Silverio. The officer on the driver's side taps on the window and Silverio rolls the driver-side window part-way down. The officer on the passenger side reaches his arm into the cabin of Silverio's car through the open passenger-side window.



(Surveillance footage from Happy Nails salon)

Approximately ten seconds after the first officer approaches his vehicle, Silverio puts the car in reverse and backs away from the officers. Both officers keep their hands on the window frames as the car begins to move. Nothing prevents them from simply stepping away from Silverio's car.

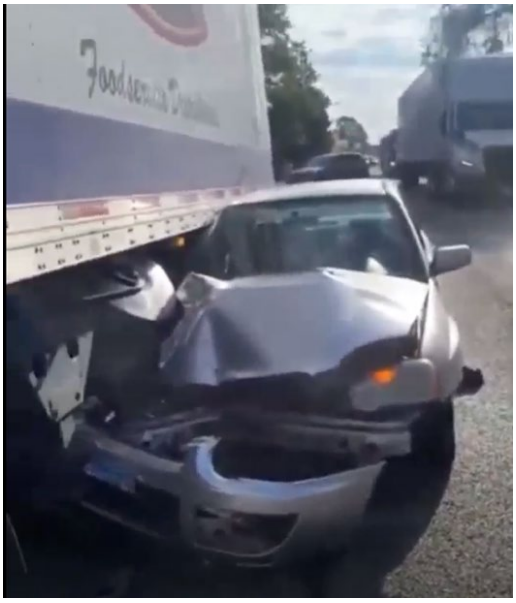
The officer on the passenger side of the car steps back, draws his gun and points it at Silverio's car. The officer on the driver's side grabs hold of the top of the driver-side window rather than step away from the vehicle. Silverio reverses approximately fifty feet then begins to drive forward into the open lane of traffic.



The officer on the passenger-side runs after Silverio as he drives forward with his gun still pointing at the car. Then he lowers his gun while continuing to run.



Approximately six seconds after the car begins moving forward, surveillance video captures the sound of gunshots. Three seconds later, Silverio's car is heard crashing as it strikes the underside of a parked delivery truck. The car has traveled approximately 170 feet from the moment it started moving forward until it crashed.



(Screenshot from video posted by Josue Hernandez-Rodriguez, driver of delivery truck)

Based on evidence including surveillance video, the timing of the gunshot, and the location of the gunshot wound on Silverio's body, the officer who shot Silverio is the one on the driver's side of the vehicle.

After Silverio's vehicle careens into the delivery truck, both officers approach the wrecked car and one of them breaks its driver-side window, which is partially rolled down. The officer who shot Silverio opens the driver-side door and pulls Silverio out. Silverio crumples to the ground. The officer then grabs Silverio under his arms and drags him to the side of the road. Video captures Silvero writhing on the ground in obvious pain. The other officer arrives with what appears to be a first aid kit.

The driver of the delivery truck that Silverio had crashed into soon calls 9-1-1 to report the vehicle accident. A nearby resident who had heard the gunshots also calls 9-1-1 to report shots fired and a wounded man on the street. Local police and an ambulance are dispatched at approximately 8:51 a.m. The ambulance crew notes a gunshot wound to Silverio's neck.

Silverio is treated on the scene before being transported to Loyola University Medical Center in Maywood, where he arrives at approximately 9:16 a.m. Silverio is pronounced dead at 9:48 a.m.

The Medical Examiner's report and manner of death

After Silverio's death, the Cook County Medical Examiner's Office conducted an autopsy. The medical examiner determined that Silverio's cause of death was homicide. The

medical examiner found blood aspirated into his airways, meaning he kept struggling to breathe after he was shot.

The medical examiner's report documented a fatal close-range gunshot fired downwards into Silverio's neck. The bullet entered through Silverio's neck, three inches left of the midline, and traveled downward, back to front, and left to right, puncturing his esophagus, trachea, and right lung, then breaking a rib before lodging in the right side of Silverio's chest. The medical examiner also documented unburnt gunpowder particles surrounding the neck wound, indicating a close-range gunshot. The medical examiner documented additional gunshot wounds at close range that grazed the pinky and ring fingers on Silverio's left hand.

The medical examiner concluded that the person who killed Silverio fired downward into his neck from close range. The ICE officer was therefore standing alongside the driver's side of Silverio's vehicle when he fired the fatal shot, effectively executing Silverio at close range.

This horrific shooting was unlawful and wholly preventable. DHS's use-of-force policy prohibits agents from shooting at a moving vehicle solely to disable it. The policy permits agents to use deadly force to prevent escape only where the officer reasonably believes the subject poses a significant threat of death or serious physical harm and that such force is necessary to prevent escape. There was no lawful basis to shoot Silverio. The officer killed him unjustifiably, unnecessarily, and contrary to DHS policy.

Silverio did not present a threat to the officers and did not pose a threat of death or serious physical harm to anyone else. The officers were by the side of the car, not in its path of travel, nor was anyone else in its path of travel. Nothing prevented the officers from stepping away from the car's side. The officers knew that Silverio was the father of two young children, having apparently targeted him for arrest and trailed him after he dropped his kids off. They knew that Silverio was not suspected of any violent activity. Silverio was unarmed and the officers had no reason to believe otherwise.

The way the officers conducted the traffic stop was improper and created unnecessary danger. The agents parked their vehicle immediately in front of Silverio's vehicle, rather than a vehicle length or more behind it. They both placed their hands on the car—and one officer reached inside—without determining that the vehicle was turned off or disabled. The officers chose to place themselves in a vulnerable position when the vehicle began to reverse by moving alongside the vehicle. The officer on the driver's side, who shot Silverio, chose to hold onto the moving vehicle, rather than simply stepping aside.

The shooting officer was not in danger when he fired at Silverio. He was alongside the vehicle, not in its path. But even if he had erroneously and unreasonably perceived a danger, shooting Silverio could not have mitigated any risk to him or to anyone else. Firing at a driver of a vehicle renders the vehicle out of control. And firing at the driver of a vehicle in Silverio's position does nothing at all to mitigate any risk to a person (like the shooting officer) who is alongside the vehicle, and it increases the danger to others who (unlike the officer) may be in the vehicle's path. This is why mandatory DHS policy specifically requires officers to consider the

danger they will create by shooting at and disabling a driver. Yet the officer here recklessly fired his weapon at Silverio on a public commercial street during morning rush hour, in the direction of oncoming traffic. And, predictably, after Silverio was shot his vehicle traveled out of control, crashing into the delivery truck.

The federal government immediately prejudges the shooting and falsifies key facts

Instead of conducting a proper, complete, or independent investigation, DHS immediately sought to declare the shooting justified and to misrepresent and conceal the facts. DHS claimed that Silverio had driven his car *at* the officers, that an officer had been "hit by the car and dragged a significant distance," and that the officer was "seriously injured." All of this was false. The available video evidence demonstrates that Silverio was driving *away* from the officers, not at them. Video and the medical examiner's report demonstrates that the shooting officer was standing alongside the vehicle, not in its path. Body-camera footage from the Franklin Park police captures the ICE officer stating that his injuries were "nothing major." An ambulance report confirms that the officer had only a minor abrasion on his left knee and right hand. Even that minor injury was itself the product of the officer's decision to hold onto the window, when he could have easily stayed clear of a moving vehicle. The FBI took control of the scene from local police soon after the shooting but failed to conduct a proper investigation.

The government also smeared Silverio's name to try to justify his killing, falsely claiming that Silverio was "a criminal illegal alien with a history of reckless driving." Silverio was not a criminal. All he had was a handful of traffic citations—with the sole moving violation dating back more than a decade to 2013.

One year after Silverio's death, the government has not identified the officer who killed him, nor has it released any investigative findings, imposed any discipline, or corrected the false statements and prejudgments issued by senior officials.

ICE knew that using vehicle stops for immigration enforcement is a dangerous practice

The danger of vehicle stops was known to DHS and its officers at the time of Silverio's death. Yet DHS officers ramped up the practice as an enforcement tactic to meet the increasingly exorbitant quotas set by the Trump administration for the number of immigrant arrests each day. Initially, the Administration imposed a target of 1,200 to 1,500 daily arrests nationwide. By mid-May 2025, the Administration more than doubled the quotas to 3,000 daily arrests. To pursue those numbers, ICE shifted from identifying people with orders of removal or with serious criminal records toward indiscriminate enforcement stopping people on the street and in their cars. Agents were told to "go hard" in conducting their raids and were promised that the President and DHS Secretary "have [their] backs."

As part of this reckless effort to meet an arbitrary quota, DHS sent large numbers of officers to descend upon Chicago in an enforcement operation dubbed "Operation Midway Blitz." The operation started on September 8, 2025, just before annual Mexican Independence Day celebrations in Chicago. While DHS claimed the operation targeted "the worst of the

worst," this was not true. Immigration officers did not focus on people with violent criminal records. In fact, the percentage of people DHS arrested during Midway Blitz who had any criminal conviction was lower than at any point since the start of 2024. Highly visible and violent operations around the city targeted Latino and Spanish-speaking people for arrest indiscriminately. Silverio Villegas Gonzalez, who had no criminal record (aside from decade-old traffic infractions) was targeted by ICE officers and killed in the first days of that operation.

Silverio's death was not an isolated shooting but part of a larger pattern of killings by the federal government. It was the predictable result of the directions and guidance senior officials were providing to agents on the ground, as well as the abject failure of supervisory officials to properly train or supervise immigration officers, including the officer who shot Silverio. From January 20, 2024, through July 13, 2026, federal immigration officers shot at least twenty-two people. Nineteen of those shootings involved DHS officers firing on people inside their vehicles. DHS officers killed at least six people during the same period—four during traffic stops. Silverio was the first of these victims shot and killed.

Senior government officials repeatedly endorsed such lethal action and have explicitly communicated the message that immigration officials are not accountable to law and face no legal consequences for their misconduct. For instance, on October 24, 2025, just a few weeks after Silverio was shot and after immigration officers had shot two more people inside of vehicles, Stephen Miller, a senior official in the White House, spoke directly to ICE officers during a televised interview:

> "To all ICE officers: You have federal immunity in the conduct of your duties. . . You have immunity to perform your duties, and no one — no city official, no state official, no illegal alien, no leftist agitator or domestic insurrectionist — can prevent you from fulfilling your legal obligations and duties."

Two months later, soon after an ICE officer shot and killed another motorist, Renee Good, in Minneapolis, DHS's official social media account reposted this statement from Stephen Miller, prefaced with the word "REMINDER."[1]

On July 14, 2026, after ICE officers shot and killed two more motorists in six days, DHS finally acknowledged that the traffic-stop practice that led to Silverio's killing was too dangerous to continue. ICE directed its officers to suspend most vehicle stops and instead to make arrests before a target entered a vehicle or after it had parked. The suspension lasted less than 24 hours. On July 15, 2026, by order of the President posted on social media, the administration announced that vehicle stops would continue.

ICE and DHS officials utterly failed to properly hire, train, supervise, or direct the officers involved in shooting and killing Silverio. Their actions have encouraged and condoned violations of federal law and DHS policy by agents under their command.

[1] https://x.com/DHSgov/status/2011213308968538361.

Even now, more than a year after his death, the federal government has failed to conduct any proper investigation into Silverio's death, failed to correct its false and derogatory account of the shooting, and failed to provide any recompense to his family, including his two small children who no longer have their father.

Video and other supporting evidence

- Certified Death Certificate (attached as Exhibit 1).
- Report of Post-Mortem Examination, Office of the Medical Examiner, Cook County, Illinois (Nov. 10, 2025) (attached as Exhibit 2).
- Surveillance footage, Happy Nails and Valles Tires Shop, (Sept. 12, 2025), as analyzed in Bora Erden et al., *How an Attempted ICE Arrest Turned Deadly*, N.Y. TIMES (Oct. 1, 2025), https://www.nytimes.com/interactive/2025/09/23/us/ice-shooting-chicago-video.html.
- Video by Delivery Truck Driver Josue Hernandez-Rodriguez, posted on ChitownCrimeChasers (Sept. 12, 2025), https://www.facebook.com/watch/?v=1163000632317132.
- Bystander video posted by Ismael Cordová-Clough (Sept. 12, 2025), https://www.facebook.com/reel/1180856080537945 .
- Franklin Park Police Department body-worn camera footage (Sept. 12, 2025), published in part at https://www.youtube.com/watch?v=ZRI7CYmcAmA.