



May 24, 2017

Border Insecurity: The Rise of MS-13 and Other Transnational Criminal Organizations

Committee on Homeland Security and Governmental Affairs, United
States Senate, One Hundred Fifteenth Congress, First Session

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Opening Statement of Chairman Ron Johnson
“Border Insecurity: The Rise of MS-13 and Other Transnational Criminal Organizations”
Wednesday, May 24, 2017

As submitted for the record:

Good morning and welcome.

During the Committee's examination of America's unsecure borders we have learned how transnational criminal organizations and drug cartels exploit American policies and our lack of border security to advance their criminal agenda. Today we continue that important work by discussing how the street gang Mara Salvatrucha, commonly known as MS-13, and other Central American gangs affect communities throughout the United States.

MS-13 was born on the streets of Los Angeles in the 1980s. Over the years, it has expanded domestically and into Central America. In the United States, the FBI has identified five hot spots with a concentrated MS-13 presence and violence: Los Angeles; Houston; the Washington D.C. region; Long Island, New York; and Boston. With an estimated 10,000 members in the United States and another 30,000 in Central America, MS-13 has expanded its criminal enterprise across borders by committing acts of violence, extortion, racketeering, human trafficking, and other crimes throughout the Western Hemisphere. Like other international organized criminal enterprises, MS-13 members in the U.S. sometimes communicate with leadership in El Salvador and receive instruction to carry out a variety of crimes including homicide.

In 2012, the U.S. Treasury Department designated MS-13 a transnational criminal organization and began targeted economic sanctions against the gang. This designation allows the government to use its many tools to go after the gang's financial and logistical operations. To this day, MS-13 remains the only street gang the U.S. government has designated as a transnational criminal organization.

The five FBI-designated MS-13 hot spots have received a sizeable proportion of the tens of thousands of unaccompanied children (UACs) who have entered the United States since the humanitarian crisis at the southwest border that began in 2012 and peaked in 2014. Many UACs, especially those from the Northern Triangle, undertake a dangerous, often violent journey from their home countries to the United States. Indeed, many are fleeing the very gang violence in their home countries that is now gripping American communities.

The law enforcement officials testifying today have identified the UAC population as highly vulnerable to MS-13 recruitment and exploitation. MS-13 has used American schools to recruit members and carry out acts of violence. The typical MS-13 member today is younger and even more violent than in years past.

Tragically, the victims of MS-13 violence are also getting younger. Suffolk County, New York, for example, has seen at least six teenagers murdered by the gang since October 2016. I thank Suffolk County Police Commissioner Sini and the other witnesses for appearing today to discuss the challenges this gang and other criminal syndicates pose in their communities.

U.S. Senate Homeland Security and Governmental Affairs Committee
“Border Insecurity: The Rise of MS-13 and other Transnational Criminal Organizations”

May 24, 2017

Ranking Member Claire McCaskill

Opening Statement

Thank you, Chairman Johnson. I want to begin by recognizing our three witnesses today and the critical jobs they do. I know firsthand from my time as a prosecutor that law enforcement officers go to work each day thinking not of themselves, but of the communities that they protect. This country owes these men and women in blue a debt of gratitude for the risks they take every day to keep us safe. Chief Manger, Chief Sini, and Detective Conley, the jobs you do are sometimes thankless, they are often underappreciated, but they are always essential.

Gang violence is a problem across this country, affecting communities big and small, tearing apart families, and taking the lives of too many. Gang members prey on the weak, recruit the young before they have a chance, and line their pockets by exploiting people in desperate situations. Every day, gangs fuel the growing drug and opioid epidemic that is gripping towns and cities across this nation. They bring drugs into our communities and violence onto our streets.

Today we are here to discuss one gang in particular, MS-13 - a gang that was started in Los Angeles in the 1980s and has since expanded to Central America and to cities across the country. There is no question that we should prosecute the members of MS-13 to the fullest extent of the law, and that criminal aliens in MS-13 need to be off our streets, out of our communities, and out of our country.

We can't successfully combat gangs like MS-13 without the help of witnesses and victims coming forward to report crime and cooperating with law enforcement. As a former prosecutor, I fully appreciate the tremendous role that these courageous individuals play in delivering justice.

Because of this, I am troubled to hear of a recent trend from communities across the nation that witnesses and victims are reluctant to come forward. Over the past few months it has been reported that victims and witnesses from immigrant communities in particular have been increasingly reluctant to come forward because of the fear created by this Administration's immigration policies. Just last month, the Los Angeles Police Department noticed a 25% decrease in the reporting of sexual assault cases since last year among Latina women.

It's not just fear of immigration enforcement that is preventing witnesses and victims from reporting. Victims of gang violence face additional hurdles to reporting. MS-13 makes retaliation against those who report them to law

enforcement a key tactic of their operation, and routinely victimizes members of the community where they live and operate.

As great a job as the law enforcement officers in front of us are doing, if community members fear reporting crime, we're making their jobs a lot tougher. Today as we discuss the problem of gang violence, I want to hear from each of you how we can better reach out to victims and witnesses in all communities and encourage them to work with law enforcement. Without them, these criminals will remain on our streets and the violence will only grow.

Combatting gang violence does not happen in a vacuum. Just as we need witnesses to come forward and law enforcement to pursue these criminals, we need prosecutors to bring cases and permanent United States Attorneys to provide leadership. We need to fund the grants that go to local law enforcement for community policing and to victims of crime for assistance after they testify. We also need to make sure we're supporting our educators and after school programs that provide children with alternatives to gangs. Finally, we need to come together and agree that these gang members, these criminals, are our priority for removal from this country.

Today we have asked the witnesses here to tell us what we can be doing better to combat gang violence in America. You are the experts - the frontline

officers who deal with these gangs every day. We want to know what we can do to help you keep our communities safe. I look forward to your testimony and to the opportunity to work together on this very serious problem.

**To: United States Senate Committee on Homeland Security and
Governmental Affairs**

From: Timothy D. Sini, Police Commissioner, Suffolk County, NY

Date: May 22, 2017

Re: Testimony Regarding MS-13

I. Executive Summary

My name is Timothy D. Sini, Commissioner of the Suffolk County Police Department. I appreciate the opportunity to provide testimony regarding MS-13 in Suffolk County, New York, and ways in which we can work together to effectively eradicate this gang from our communities. Although Suffolk County remains one of the safest counties in the nation, we have recently experienced an increase in MS-13 gang violence. Specifically, since January 1, 2016, there have been 17 homicides in Suffolk believed to be linked to MS-13. In order to eradicate MS-13 from our communities, we must employ a multi-pronged strategy that includes collaborative efforts to collect and share intelligence regarding the gang, relentless targeting of known MS-13 gang members for arrest, prosecution and removal, federal prosecutions of MS-13 gang members and its leadership under the RICO statute, enhanced and targeted police presence and patrols in affected areas, and significant investments in gang prevention and intervention strategies, with a particular focus on the Unaccompanied Alien Children ("UAC") population.

II. Introduction

Suffolk is New York's fourth largest county situated some 20 miles east of New York City, covering 911 square miles and 1,000 miles of coastline on the eastern end of Long Island.

Suffolk has a diverse population of approximately 1.5 million residents. According to the latest Census data, the population is 84.9% white and 8.4% African American, with 18.6% of the population identifying as Latino or Hispanic ethnicity. The median income is \$88,663, and 7.8% of the County's residents live in poverty.

The Suffolk County Police Department is one of the fifteen largest police departments in the country, with approximately 2,500 sworn officers and 1,000 civilian employees. We are responsible for all police services in the five western towns of Suffolk County, and a wide variety of investigative and law enforcement support functions throughout the County.

Contrary to recent sentiments in the national media, Suffolk remains one of the safest counties in the United States. We are currently experiencing the lowest crime rate since we began collecting reliable crime statistics in 1975. Specifically, in 2016, Suffolk County had 34 murders/manslaughters, 84 sex crimes, 540 robberies, 893

aggravated assaults, 1,734 burglaries, 15,522 larcenies, and 1,070 motor vehicle thefts. In 2017, we are continuing to drive crime down to historic levels, with a year to date 15.4% reduction in violent crime, 11.5% reduction in property crime and 11.8% reduction in all index crimes.

Despite these historic reductions in crime, we have recently experienced an increase in gang violence connected to Mara Salvatrucha or the MS-13 gang - designated in 2012 by the U.S. Department of the Treasury as a "transnational criminal organization." In 2016 and year to date in 2017, Suffolk experienced an increase in homicides compared to 2015, which is the only category of index crimes to rise. This increase is directly attributable to a rapid resurgence in MS-13 violence in identified areas of the County and is an inverse trend to all other crime categories.

Specifically, since January 1, 2016, of the 45 homicides that occurred in Suffolk, 17 of those are believed to be linked to MS-13. We currently have approximately 400 MS-13 gang members identified in the County, organized in approximately nine cells called "cliques." Many of these cliques have connections to other jurisdictions, including, but not limited to, Nassau County (Long Island) and New York City.

III. MS-13 Gang Members in Suffolk County

Identified MS-13 gang members are concentrated in several hamlets in Suffolk County with the largest number in a community named Brentwood, which is a community of more than 60,000 residents. According to the latest Census data, Brentwood's population is 48.4% white and 16.4% African American, with 68.5% of the population identifying as Latino or Hispanic ethnicity. There are more than 20,000 students in the Brentwood school district. The second largest concentration of MS-13 gang members is in Central Islip, which is a community of approximately 35,000 residents. According to the latest Census data, Central Islip's population is 43.6% white and 25% African American, with 52.1% of the population identifying as Latino or Hispanic ethnicity.

In Suffolk County, active MS-13 gang members are predominantly males ranging in age from sixteen to twenty-nine. The median age of recent MS-13 arrestees is eighteen, however we have become aware of associates as young as ten years of age.

Most MS-13 gang members have connections to El Salvador, Guatemala or Honduras. Of a sampling of 143 active gang members plus 11 MS-13 victims, 89 entered the United States illegally and currently do not have legal status (58.8%) (39 of whom are Unaccompanied Alien Children ("UACs")), 48 are of unknown

immigration status, and 17 have legal status (temporary or otherwise).

IV. Crimes Committed by MS-13

In Suffolk County, MS-13 engages in a variety of criminal activity, including, but not limited to, assaults, murder, drug dealing, extortion, robberies and burglaries. Intelligence indicates that many MS-13 gang members hold wage-paying jobs, and are not focused primarily on income generating crimes such as drug dealing, differentiating them from other street gangs in Suffolk County. Rather, MS-13 engages in violence for the sake of violence, to increase the notoriety of the gang and to cause the community to fear the gang and its members.

In 2016, the most frequent reported crime connected to MS-13 was assault. The signature weapon used by MS-13 is the machete. For example, on July 17, 2016, members of MS-13 brutally attacked an individual in Brentwood with a machete, causing severe wounds to the individual's face making him unrecognizable. MS-13 gang members perpetrated this brutal assault because they believed that the victim was associating with a rival gang.

MS-13 members also commit murder, often targeting victims who they perceive as disrespecting the gang. Since 2013, 27

murders in Suffolk County have been attributed to MS-13, occurring in seven different communities. This represents approximately 21% of all murders occurring since that time. Moreover, approximately 38% of murders occurring in Suffolk County in 2016 and 2017 combined are believed to be connected to MS-13. In many of the cases, multiple assailants are involved in the crime.

On September 13, 2016, members of MS-13 brutally beat two girls to death in Brentwood - Nisa Mickens and Kayla Cuevas. Both were Brentwood High School students, and were 15 and 16 years of age, respectively. Shortly before her murder, Kayla had argued with an MS-13 gang member in school. In collaboration with the FBI, the Suffolk County Police Department arrested the perpetrators of that crime, and they are currently being prosecuted by the United States Attorney's Office for the Eastern District of New York.

Those murders sparked a gang eradication strategy launched by the Suffolk County Police Department and our law enforcement partners, which to date has resulted in approximately 201 arrests of 147 individual MS-13 gang members. The initiative also led to the discovery of the skeletal remains of three males in the Brentwood area, all of whom are believed to have been murdered by members of MS-13. One of those murders - the murder

of a 19 year old male named Jose Pena-Hernandez - was also charged by the United States Attorney's Office for the Eastern District of New York. MS-13 gang members murdered Pena-Hernandez because they believed he violated the gang's internal rules.

Most recently, in April of this year, MS-13 gang members committed a quadruple homicide in Central Islip, Suffolk County. This was one of the largest and most brutal mass murders committed in Suffolk County's history. The victims were all males - two were eighteen years old, and the other two were sixteen and twenty years old. Central Islip is a hamlet located adjacent to Brentwood, and, as noted, has the highest concentration of MS-13 gang members in the County outside Brentwood. The victims were found in the Clayton Avenue Park in Central Islip with significant trauma about their bodies. Their injuries were consistent with assault by machete. The investigation of the quadruple homicide remains active.

V. Recruitment

MS-13 sustains itself by constantly recruiting new members. MS-13 gang members recruit in our schools and communities. They prey on the vulnerable, frequently targeting young people who recently immigrated to this country. They often target individuals who lack the support of close relatives and healthy

social networks, using threats and acts of violence to coerce those reluctant to join. Several factors lead individuals to become members of MS-13, including, but not limited to, social alienation, the need to be part of a group, a sense of cultural unity, the promise of protection, and economic gain.

MS-13 members also recruit children placed in communities in Suffolk County through the UAC program. From the beginning of 2014 through March 2017, 4,624 UACs have been placed in Suffolk County alone, making it one of the largest recipients of UACs in the country. The vast majority of these children come from El Salvador, Honduras and Guatemala, where MS-13 has a significant presence. Many of these children are vulnerable to gang recruitment because they are young, unaccompanied, adjusting to a new country, culture and language, and seeking a sense of belonging. This is compounded by the fact that the sponsors of these children in some cases prove not to be suitable guardians.

In sum, while the overwhelming majority of these children live law-abiding lives, UACs are undoubtedly a source of recruitment for MS-13. Of a sampling of 156 active gang members in Suffolk County, 39 are Unaccompanied Alien Children, and seven of the thirteen defendants recently charged in a RICO indictment in the Eastern District of New York are UACs. It is

not entirely clear, however, the percentage of UACs who came into the United States as MS-13 gang members, were recruited while in federal custody or were preyed upon once they reached Suffolk. In consultation with our federal partners, we have recently launched a new intelligence gathering protocol to assist in collecting that information.

VI. Gang Eradication Strategy of the SCPD

As a result of this recent violence, the Suffolk County Police Department launched a multipronged gang eradication strategy. It involves law enforcement efforts, as well as school-based and community-based initiatives to reduce gang recruitment and enlistment.

The law enforcement strategy is centered on gathering as much intelligence as possible regarding MS-13 and its members, with the specific objective of identifying MS-13 gang members and locations where they congregate. We use a variety of tactics to collect intelligence, including, but not limited to, debriefing all of our arrestees. The Department prioritizes the targeting of known MS-13 gang members by creating strategic subject lists of known MS-13 gang members, and then assigns police officers with expertise in gang enforcement to particular gang members to perform targeted enforcement. That targeted enforcement includes, but is not limited to, effectuating street

arrests of known MS-13 gang members. Since we launched this initiative in September of 2016, we have made 201 MS-13 gang arrests of 147 individual MS-13 gang members. This targeted enforcement suppresses crime, results in the collection of intelligence, and generates valuable evidence for federal prosecutions down the road.

As we engage in this targeted enforcement, we are working hand in hand with our law enforcement partners through the Long Island FBI Safes Street Task Force, which is run by the FBI and consists of law enforcement officials from numerous agencies. Working with the FBI Task Force, and the United States Attorney's Office for the Eastern District of New York, we strategically select MS-13 gang members for federal prosecution under the RICO statute, which is a highly effective tool to dismantle gangs such as MS-13. The RICO statute carries stiff penalties, allows us to effectively convert street crimes into RICO offenses, and serves as a tool to cast a large net over the gang and negatively impact its leadership.

We also work with the Department of Homeland Security in a variety of ways. For example, we share intelligence with Homeland Security regarding known gang members in order to facilitate the commencement of removal proceedings against MS-13 gang members. Although it is often our objective to arrest and

prosecute MS-13 gang members for federal criminal offenses in order to prevent them from merely reentering after deportation, circumstances do arise when we are not able to effectuate a criminal arrest, and the Department of Homeland Security is able to utilize its immigration enforcement tools to remove these dangerous people from our streets. In addition, we automatically notify the Department of Homeland Security when we arrest an individual for a misdemeanor or felony who was not born in this country so that immigration authorities can take appropriate action, if any.

Although cooperation with the Department of Homeland Security is mission critical to removing dangerous gang members from our streets, the Suffolk County Police Department must also ensure that undocumented individuals feel comfortable providing information to law enforcement. To this end, our officers do not inquiry into the immigration status of those individuals who come to the police as a witness, victim or someone merely seeking police assistance. The mission of the Police Department is to provide and maintain a safe environment for every person in Suffolk County regardless of that person's residency or immigration status. If individuals believe that they cannot freely cooperate with law enforcement because of their

immigration status, the mission of the Police Department and the safety of all residents are compromised.

In addition to targeting known gang members, and working with our federal law enforcement partners to remove MS-13 gang members from our streets, we have also enhanced our police presence, both uniformed and plainclothes, in affected areas. We recently partnered with the New York State Police to assist us in this effort.

We recognize, however, that targeted enforcement and patrols will not alone lead to the eradication of MS-13 from our communities. As law enforcement weeds gang members from our communities, we need to invest in school-based and community-based programs to reduce gang recruitment and involvement. As noted, MS-13 preys on our vulnerable young people, and if we do not provide the structure that these young people need to prosper, MS-13 will.

To this end, we utilize an arsenal of community-based intervention strategies to prevent and deter gang violence, such as custom notifications, call-ins and youth conflict insertions. We work closely with our schools to identify at risk children to intervene in effective ways to prevent them from joining a gang or to assist them in getting out of a gang. Suffolk County is also investing in an early intervention gang prevention program

in Brentwood and other communities in Suffolk County. Utilizing a not-for-profit organization that specializes in gang prevention, the program - called the CHANGE program - will target vulnerable children who are at risk of gang involvement and provide them with much needed services, including, but not limited to, social work services, psychological counseling, educational and vocational assistance, and much more. The program also aims to involve the family of the child so that those who have the most influence over the child are empowered to assist him or her in avoiding gang involvement.

As discussed in more detail below, these efforts must also address the needs of the UAC population, as they are some of the most vulnerable to MS-13 recruitment. As it currently stands, it is extremely difficult for local government to address their needs because of the lack of notification by the federal government to local officials, the sheer number of children being placed in Suffolk County and in other communities throughout the country, and the inadequate funding of any such efforts.

VII. How the Federal Government Can Further Assist

a. Additional Resources

i. Additional AUSAs and Proposed Pilot Program

In order to effectively address this complex issue, we must continue to arrest and prosecute MS-13 gang members under the RICO statute to remove dangerous individuals from our streets and dismantle the gang's leadership. In order to do so, however, local law enforcement agencies need the support of the federal government to prosecute these cases. A practical impediment to this task is the number of Assistant United States Attorneys on staff on Long Island.

The Long Island Criminal Division, which operates out of the United States Attorney's Office, Eastern District of New York branch office in Central Islip, is responsible for prosecuting all federal crimes occurring in Nassau and Suffolk counties, including violent crimes, public corruption, terrorism, securities and corporate fraud, major narcotics trafficking, and child pornography crimes. Nassau and Suffolk counties are densely populated and the Long Island Criminal Division serves a population of approximately 2.85 million people, which is 35% of the Eastern District of New York, and is larger than many entire districts around the country. Many of the cases prosecuted by the Long Island Criminal Division,

including the MS-13 prosecutions, are international and interstate in reach.

Currently, the Long Island Criminal Division only has eleven line AUSAs and four supervisors, all of whom carry full caseloads in addition to their supervisory responsibilities, which is significantly below the normal staffing level. At the beginning of 2013, the Long Island Criminal Division had 18 AUSAs, including supervisors, but due to attrition, sequestration and budget reductions, staffing dropped to 11 AUSAs at one point. Several additional AUSAs were hired, but they have been insufficient to return the Long Island Criminal Division to the 2013 staffing level.

Indeed, Long Island (Nassau and Suffolk counties combined) has a population of about 2.85 million and 14 AUSAs. By comparison, Kansas has a population of 2.9 million and 24 Criminal AUSAs plus 6 Special Assistant United States Attorneys; Eastern District of Tennessee has a population of 2.6 million and over 30 AUSAs; and though Nassau and Suffolk counties comprise 35% of the Eastern District's population, there are approximately 105 Criminal AUSAs in Brooklyn and only 14 on Long Island.

The limited number of prosecutors assigned to the Central Islip office forces these dedicated prosecutors to make

decisions about how to most effectively allocate resources by deciding which cases should be, or should not be prosecuted federally. In the event that more AUSAs are assigned to the Long Island Criminal Division, the Suffolk County Police Department, the FBI and the United States Attorney's Office could enter into a pilot program whereby all MS-13 arrests in the County are reviewed by an MS-13 intake AUSA to determine whether any federal charges could be brought against the arrestee. This would increase the number of federal prosecutions of MS-13 gang members, taking dangerous individuals off our streets, and likely generate significant intelligence due to the incentives in the federal system for defendants to cooperate with law enforcement. Such a program called the Triggerlock Program was successfully launched in the Southern District of New York relating to firearm offenses.

In short, the additional AUSAs will enhance the United States Attorney's Office's ability to prosecute violent crimes committed by members of MS-13, with the objective of continuing and increasing our efforts to dismantle and incapacitate MS-13 within the Eastern District of New York and beyond.

ii. Grant Opportunities to Combat Gang Activity

As noted, a critical part of our strategy to deter and prevent gang activity is to enhance police presence and patrols

in affected areas, also known as "hot spot policing." The Suffolk County Police Department has recently applied through the Department of Justice for the Project Save Neighborhoods grant, which awards \$500,000 to a jurisdiction to offset the cost of such policing efforts. Awarding this grant to Suffolk County is consistent with the federal government's commitment to eradicating MS-13 from our communities. I respectfully request that the Department of Justice award this grant to Suffolk County, and urge the federal government to create additional grant opportunities to assist local police in this important mission.

iii. Gang Prevention Programs

It is imperative that we dedicate resources to school-based and community-based gang prevention programs in order to reduce successful gang recruitment. These efforts should focus on vulnerable populations, including UACs. Indeed, such funding should be directly tied to the UACs placed in our communities, as they are some of the most vulnerable to MS-13 recruitment.

b. Intelligence Sharing

Information sharing among law enforcement agencies is a critical part of any effective strategy in order to ensure coordination of our efforts to remove dangerous gang members

from our streets. To this end, it would be of significant assistance to our joint efforts to create a singular database with information relating to identified MS-13 gang members. The database could include the gang member's pedigree information, the clique he belongs to, his immigration status as confirmed by the Department of Homeland Security, whether he is a UAC, whether he is actively under investigation, which jurisdictions are involved in any such investigation, and any other intelligence that is sharable and relevant. The system could include automatic notifications to local agencies when information is added regarding an individual who is of interest to that agency. Such a database would encourage multi-jurisdictional efforts and allow local police departments to be more proactive in targeting known MS-13 gang members in our communities.

c. The UAC Program

It is imperative to our mission that the federal government place UACs in our communities after proper screening of sponsors followed by measures ensuring sponsor compliance. Otherwise, we are creating an ideal recruiting opportunity for MS-13. Such reforms might include increased screening and compliance monitoring of sponsors, local notification of placement to

school districts and local governments, and increased funding for post-placement services.

VIII. Conclusion

I want to thank the United States Senate Committee on Homeland Security and Governmental Affairs for their commitment to this very important issue, and the opportunity to appear before it today. I look forward to working with the Committee and all its Members and staff.



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Testimony of

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Chelsea Police Department
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Task Force Officer (TFO)
F.B.I. Boston

Before the U.S. Senate Committee
On Homeland Security and Government Affairs

**“Border Insecurity,
The Rise of MS-13 and Other Transnational Gangs”**

May 24, 2017



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Introduction

Chairman Johnson, Ranking Member McCaskill, and distinguished members of the Committee. It is my honor to address you today on behalf of the Citizens of Chelsea, Massachusetts and the State of Massachusetts.

My name is Scott Conley and I am a Detective with the Chelsea Police Department, Chelsea, Massachusetts. Chelsea is a city in Suffolk County, Massachusetts, United States, directly across the Mystic River from the city of Boston. As of 2017, Chelsea had an estimated population of 42,828. It is also the second most densely populated city in Massachusetts behind Somerville. With a total area of just 2.5 square miles, Chelsea is the smallest city in Massachusetts in terms of total area. Chelsea is a diverse, working-class community that contains a high level of industrial activity. It is one of only three Massachusetts cities in which the majority of the population identifies as Hispanic or Latino, alongside Lawrence and Holyoke. I have served my community as a law enforcement officer for over 22 years

To provide context for my testimony today, I have included a brief biography. I would highlight that I currently serve as a Task Force Officer with the Federal Bureau of Investigations, North Shore Gang Task Force and am a member of the Chelsea Police Department Gang Unit.

General Background Information on Mara Salvatrucha

In 2012, Mara Salvatrucha (MS) became the first, and remains the only, street gang to be designated by the United States government as a “transnational criminal organization.” This transnational criminal organization originated in the streets of Los Angeles, CA, in the 1980s with refugees fleeing a twelve-year civil war in El Salvador. The 1990s transformed the gang from a street gang to a structured transnational criminal organization. Mara Salvatrucha was incorporated into the Sureno gang structure, in which Sureno gang members conduct crimes and pay dues to the powerful La eMa prison gang, also known as the Mexican Mafia, in exchange for protection in prison. As a sign of its allegiance to La eMa, Mara Salvatrucha adopted the Sureno color of blue, added the number 13 – symbolic of M, or eme in Spanish, being the thirteenth letter of the alphabet

MS embraced the principal that gang membership is for life. The criminal organization replaced the family and any transgressions against the organization, real or perceived, became punishable by death. This discipline is an essential method by which the organization controls its members and achieves its objective – to gain as much influence and generate as much money as possible. Since its inception on the streets of Los Angeles, MS has evolved into one of the world’s most organized, structured, and violent criminal organizations, engaging in myriad localized and transnational crimes, including drug trafficking, human smuggling, robbery, extortion, assault, and murder. MS’s primary functioning principles center on violence, including murder, and a strict military structure of communication and command, headquartered in El Salvador and spread throughout various “programs” and “cliques” in the United States.

Two MS rules are held above all else. First, MS members are required to investigate and kill all informants, and at times their families. MS members are therefore constantly watching each other for



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signs of disloyalty. Second, MS members are required to attack and if possible kill all rival gang members, particularly members of 18th Street. Members gain status within the organization by accomplishing either of these goals. The clique, by extension, gains prominence with MS when one of its members kills a rival gang member or informant.

MS in Massachusetts, as in other states, is run by the incarcerated leadership of MS in El Salvador, known as "La Ranfla." La Ranfla establishes the policies and procedures that govern the criminal organization. They send orders to members of MS in the United States, including "green light" orders to kill suspected informants or those disloyal to MS.

Within the United States, MS is organized in the form of "cliques" — that is, smaller groups acting under the larger mantle of MS and operating in a specific region, city, or part of a city. The leaders of MS cliques are called the "palabras" — i.e., the "words" or "voices" — or the "runners." The leader of the clique is often referred to as the "first word," "first voice," or "runner," and the second in command is called the "second word" or "second voice."

To coordinate hundreds of cliques throughout the United States and Central America, La Ranfla separates the criminal organization into "programs." MS generally organizes its programs either by name — for example, major cliques, such as the Hollywood clique — or by geography, such as the L.A. Program and the East Coast Program. MS's use of this organizational technique originated in El Salvador in approximately 2007 and was later implemented in the United States in approximately 2011.

Grouping the various cliques into these programs creates a hierarchy that expedites the process of getting orders from leadership in El Salvador to the street and remitting money from the street back to leadership. The creation and composition of the programs, however, is fluid. Cliques frequently switch programs or choose to remain autonomous, typically as clique leader's change and gang leaders in El Salvador vie for power and control over U.S. cliques and their money. MS cliques work both independently and cooperatively to engage in criminal activity and assist one another in avoiding detection by law enforcement. The cliques operate under the umbrella rules of MS leadership in El Salvador.

Most of the cliques in Massachusetts fall under the East Coast Program, which also has cliques in Florida, Maryland, New York, New Jersey, North Carolina, and Virginia, and which also has a presence in California, Texas, and Ohio. If a clique does not fall under a particular program, that clique nevertheless falls under the umbrella of MS and holds meeting in which dues are collected and transferred to MS members in El Salvador. Refusal to join a program, however, is a sign of disloyalty and can have severe consequences.

MS maintains a strict and largely uniform initiation process. The process starts with a prospective member being recruited to "hang around" with members of the gang and be observed by the gang, sometimes for a period of months. These prospective members are referred to as "paros" and this period is sometimes referred to as "observacion." Paros are frequently recruited at local high schools in cities with large immigrant populations from Central America. This period starts with the paro hanging around drinking, smoking, and socializing with members of MS, and elevates over time to participation in



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increasingly violent criminal activity. Usually a paro is sponsored by a homeboy who serves as that individual's mentor/sponsor throughout the initiation process.

The clique meets and votes on whether a part warrants promotion to "chequeo." To become a chequeo, a paro must demonstrate his loyalty to the gang by doing whatever a homeboy or chequeo tells him to do and engaging in acts of violence, up to and including murder, on behalf of the gang. Chequeos are allowed closer access to members of MS and must continue to prove loyalty to the gang.

To become a homeboy, a chequeo in Massachusetts generally has to participate in the murder of a rival gang member, usually a member of the 18th Street gang. He must demonstrate loyalty to the gang above all else. The clique then holds a meeting in which the members vote to approve elevation to homeboy status and then "jump in" or "beat in" the chequeo – that is, members of the MS clique gather in a circle around the prospective member, knock him to the ground, and beat him with their hands and feet while one of the leaders of the clique counts aloud, slowly to thirteen.

MS members refer to one another by their gang names and often do not know fellow gang members except by these gang names. When a "chequeo" becomes a "homeboy", the gang often gives him a new gang name to replace any prior nickname.

MS maintains a close knit and reliable criminal network with cliques in at least forty-six states and the District of Columbia, as well as Canada and Central America. Accordingly, as law enforcement repeatedly observed over the years, MS members are extremely mobile and transient. After committing violent crimes, they frequently leave the jurisdiction and take up residence with an MS clique in another state or country.

Known as green lighting. If MS members identify a certain individual as a threat to the gang, MS leadership could green light that person, meaning other MS members have authorization – if not the obligation – to kill the individual. According to MS rules, only high-ranking gang members are authorized to issue a green light for another member of MS. Once an individual has green lighted, all members of MS are obligated to enforce the order, and kill the targeted individual if the opportunity arises. An individual can be green lighted by MS for a variety of infractions. If MS believes a member is cooperating with law enforcement, it will most assuredly result in a green light.

MS is a violent, transnational criminal organization whose mission is defined by violence – specifically, murdering and attempting to murder rival gang members and suspected informants. MS also has a significant operating objective making money through drug trafficking and other illegal activities to enable its members to buy guns and other weapons, cell phones to communicate with each other, and to support incarcerated members.

Though many (law enforcement, media, etc.) refer to Mara Salvatrucha as MS-13, La Ranfla no longer considers their gang to be incorporated into the Sureno gang structure or show allegiance to La eMa. As such, Mara Salvatrucha is now simply referred by gang members as MS. The reason for this change is due to the second rule where MS members are required to attack and if possible kill all rival gang members, particularly members of 18th Street. La Ema refuses Hispanic gang on gang violence in the



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California prison system. MS members violate this rule while serving prison sentences within the California prison systems. For these reasons, La Ranfla no longer considers MS to be aligned with La eMa. At this point, intelligence and law enforcement investigation reveals La Ranfla ordering MS members, recently deported from California, to kill an 18th Street gang member to remain in good standing within the gang. If the MS member fails to follow orders, La Ranfla issues a “green light” calling for the MS member’s death.

Unaccompanied Minors

The homicide rate in El Salvador is staggering. This violence stems from the gang war between MS and 18th Street. By April, 2015, El Salvador, a country the size of Massachusetts, experienced an average of 22 homicides a day. By September of 2015, El Salvador averaged over 50 homicides a day. As a result of this violence and attacks on the civilian populace, the government of El Salvador named both MS and 18th Street terrorist organizations. As a result of this violence, the United States experienced an influx of unaccompanied minors entering the country. Specifically, in 2013, 21,887 unaccompanied minors entered the country. In 2014, 53,515 entered the U.S. and in 2015, 27,840 entered the country. By October, 2015, 3000 unaccompanied minors were sent to the Greater Boston Area.

The number of unaccompanied minors released to US sponsors from FY14 to Jan FY 17, based on statistics from the Department of Health and Human Services, Office of Refugee Resettlement, illustrates the continued flow of unaccompanied minors from the Northern Triangle into the United States, primarily residing in areas with an established Central American population.

Based on interviews, law enforcement investigation, and coordination meetings with the Transnational Anti-Gang Unit (TAG) in El Salvador, the North Shore Gang Task Force determined the following three types of unaccompanied minors:

- 1) Minors not associated with MS or 18th Street fleeing the violence and sent to the U.S. by either their mother or father to live with a relative.
- 2) Minors who are “paros” and “chequeos” sent by their mother or father, who wrongfully believe that by sending their children to U.S. will get their child out of the gang.
- 3) La Ranfla wants their homeboys/assassins in the U.S. to commit acts of violence.

In El Salvador, MS recruit children as young as eleven or twelve years old. Unlike MS cliques in the United States, to become a “homeboy” in El Salvador, a “paro” and “chequeo” must participate and kill five rival gang members. Thus, many times, by the time a child is fifteen years old, they are already serial killers.

The majority of unaccompanied minors fall into the first category listed above. The parent is truly concerned for their children’s welfare and quality of life. A small portion of the unaccompanied minors are the “paros” and “chequeos.” Their parents wrongfully believe that by sending their children to the United States, their children will leave the gang. However, this is the farthest from the truth. The smallest group of unaccompanied minors are “homeboys” being sent by the gang to bolster the ranks of MS cliques operating in the United States.



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On the trip to the United States, all three groups of unaccompanied minors travel together. The recruitment process begins on this trip. The “homeboys” ensure the “paros” and “chequeos” are continuing to follow the procedures for entrance into the gang. The “homeboys” utilize the “paros” and “chequeos” to gather intelligence on the non-gang member minors by determining where they lived in El Salvador and the identity of their relatives. They gather this intelligence to help them recruit new members into the gang.

Once the unaccompanied minors arrive at their destination, whether it's Boston or somewhere else in the United States, the MS gang members (paros, chequeos, and homeboys) report and join cliques in their new cities. Those unaccompanied minors not in the gang are approached and recruited. Those that refuse are threatened to join the gang. These threats range from simple assaults or threats to kill their relatives in El Salvador. Either way, the unaccompanied minors fleeing the violence are sucked into the gangs upon their arrival in the United States.

As such, MS clique membership continues to grow, not only in Boston, but throughout the United States. As the cliques grow, the “paros” and “chequeos” need to earn their elevation to “homeboy” status by committing crimes, including murder. As such, law enforcement has seen a rise in homicide rates throughout the country. These homicides are horrific as the MS members utilize the same brutal tactics they use in El Salvador. They use knives and machetes to hack apart their rival gang members and attempt to behead them and cut off their hands. In addition, many of the victims are minors who were unaccompanied minors fleeing the violence in El Salvador.

As law enforcement officers target MS members and incarcerate them or deport them, La Ranfla sends orders to the United States to recruit new members into those cliques. La Ranfla does not want to lose the communities under MS control, either in El Salvador or the United States.

Due to the nature of the “Programs” and the transient way of life, law enforcement notices a close connection between the MS cliques throughout the country. The MS members communicate via smart phone applications, such as ‘What’s Up.’ The Program Leaders host meetings where clique leaders travel from around the country to attend.

The criminal activities committed by this gang are not a local or state problem. The criminal activities span across North America. Law enforcement estimates several hundred MS members and associates in Massachusetts.

Law enforcement has to utilize a “combined resource” approach toward combating MS-13. It is not enough to make local arrests in local jurisdictions nor is it enough to just target the higher echelon members by federal indictments. This reactive approach may slow the organizations criminal activity for a short time in a localized region but will not address the gangs overall organizational structure which will immediately begin to replenish its numbers in areas that have an established MS-13 presence. Investigations over the past fifteen years have shown that without aggressive criminal prosecution targeting the entire structure both within the United States and Central America that the gang will continue to grow using illegal immigration as a tool to swell its ranks. A task force approach to the



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MS-13 problem is the only method that has proven to be affective. Using the assets of Federal, State and local law enforcement as well as the United States Attorney's Office working alongside local and state prosecutors is an approach that has been proven to be affective in combating MS-13 in Massachusetts.

Respectfully Submitted,

Scott Conley
Detective Chelsea Police Department
Task Force Office F.B.I., Boston



**Statement of J. Thomas Manger,
Chief of Police, Montgomery County, Maryland
and President, Major Cities Chiefs Association**

before the
Committee on Homeland Security and Governmental Affairs
of the
United States Senate

May 24, 2017

HEARING:

Border Insecurity: The Rise of MS-13 and Other Transnational Criminal
Organizations

Chairman Johnson, Ranking Member McCaskill, distinguished Members of the Committee, I am J. Thomas Manger, the Chief of the Montgomery County (Maryland) Police Department. I also am the President of the Major Cities Chiefs Association, an organization that is comprised of Chiefs and Sheriffs of the sixty-nine largest law enforcement agencies in the United States and the ten largest in Canada. I would like to thank you for the opportunity to address the committee to provide a local law enforcement perspective on the complexities and impact Mara Salvatrucha, or MS-13, and similar transnational criminal organizations are having on communities across the nation.

National Trends:

Immigrants who left their native Central American countries because of on-going civil wars in the nineteen-eighties, arrived in Los Angeles only to find that it was dominated by local street gangs. They reacted by forming a gang of their own. Since that time, MS-13 has evolved into one of the most violent and murderous gangs in the world. The Justice Department estimates there are now more than ten thousand MS-13 gang members living in the United States. Globally, there are an estimated thirty-thousand MS-13 gang members, and that membership continues to rise.

Local History:

MS-13 first emerged in Montgomery County in the late nineteen-nineties and had a relatively small, yet prominent presence. Gang members marked their territories with graffiti, wore specific types of clothes and openly displayed tattoos that easily identified their affiliation with MS-13. Over the next few years, instances of petty vandalism and misdemeanor assaults escalated to cases of extortion and aggravated assault, although they remained relatively infrequent. Investigators had to rapidly educate themselves as to what was originally believed to be solely a West Coast law enforcement issue. Since that time, the Montgomery County Police Department has formalized its gang enforcement efforts and has conducted ongoing operations against the gang, including several major investigations with our regional and federal partners over the last decade.

Do in part to these investigations, MS-13 became less active and changed its tactics. Gang members instituted more stringent operational security measures and were not as obvious about their affiliations in public. In Montgomery County, the gang's graffiti has significantly lessened, gang members no longer flagrantly flaunt specific clothing items or tattoos and attempt to keep a lower profile to avoid the detection of law enforcement and rival gangs. Although more subtle, the gang members still make their presence known verbally and through the display of hand signs that represent their gang. However, the gang's criminal activity would recently become more evident.

Local Gang Trends:

Beginning in June 2015, Montgomery County experienced a spike in total gang related homicides. The jurisdiction had one gang related homicide in each of the three preceding years and none in 2011. In 2015, the county had four (4) homicides attributed to MS-13. The marked increase in Montgomery County correlated with the breakdown of a truce between the gangs and the El Salvadoran government. This was followed by a significant increase in that country's homicide rate. The following year (2016), Montgomery County had three (3) additional MS-13 related murders. In 2017, Montgomery County has not experienced any additional homicides committed by the gang. However, two MS-13 associates were murdered after an altercation with an unidentified suspect in a local shopping mall in what is still

an open case. In a highly publicized incident earlier this year, a 15 year-old female runaway from the county was killed in a neighboring jurisdiction by MS-13 gang members and associates.

It is important to note that during this same time frame, Montgomery County experienced seven (7) homicides that were attributed to two other local “crews” or gangs. These murders appear to be motivated by illegal drug transactions, whereas the MS-13 gang murders appear to be based on the perceived or actual rival gang affiliations of the victims. Furthermore, committing a homicide for the gang is a means for the suspects to elevate their status within MS-13. What also distinguishes the MS-13 homicides is the premeditation, brutality and callousness in which they were committed; with many of the victims suffering from multiple blunt force trauma and stab wounds and left in shallow graves in isolated wooded areas.

Other types of gang crime are difficult to track, as the victim is often unaware if their assailant is associated with a gang. Typically, the police department designates a crime as gang related because the perpetrator is identified and is a known validated gang member. Conversely, if a suspect makes a statement, or there is some other indicator present that demonstrates the motive of the crime as furthering the interests of the gang, that classifies the crime as gang motivated. What crimes we have been able to attribute to MS-13, other than homicides, have remained statistically flat. However, the county has recognized some disturbing trends in MS-13 criminal activity.

Most notably, the level and types of extortion have dramatically changed. In the past, MS-13 was known to extort a “tax” on illicit underground businesses such as “bordellos” or houses of prostitution and unregulated “cantinas” or back room bars that operated out of apartments and houses. However, the police department has received secondhand reports of extortion of legitimate Latino owned businesses and of Hispanic residents living in apartment complexes in certain neighborhoods being extorted “rent” from the gang. In some instances, if the victims of this extortion initially refuse to pay the fee demanded by the gang, the gang members return with detailed information on the intended victims’ family members still living in Central America where the threat of violence is more tangible and the perpetrators are out of the reach of U.S. law enforcement.

In some cases, this tactic also is being applied to the recruitment of potential gang members. While there certainly are individuals that are enticed by the power and violence associated with MS-13, there also are a significant number of reluctant members that were coerced or physically intimidated into joining the gang. The tactic of threatening the loved ones still residing in their country of origin is used to pressure those living in the United States to join or act on behalf of the gang.

Violent Local Case Study:

One of the MS-13 related homicides that occurred in Montgomery County in December of 2015 illustrates the brutality of the gang’s methods, the complexities of the gang’s recruitment and the legitimate fear communities where the gang is active face on a daily basis. In this case, a high school student from a neighboring jurisdiction was trying to distance himself from the gang after associating with one of the local cliques. As he lessened his involvement with the gang and repeatedly failed to perform tasks on their behalf, he was confronted and was physically assaulted as a form of discipline by the gang. He then turned to his School Resource Officer (SRO) and reported the gang related assault. The SRO, along with other officers from the department, took swift action and made several arrests.

The other gang members then intended to kill the now reluctant gang member who had reported the assault to authorities. The gang then arranged a test of loyalty of another member who knew the assault victim. He was instructed to lure the victim to smoke marijuana in a wooded area near the Capital Beltway, so the gang could retaliate against him. The 15 year-old gang member complied with the understanding that the victim would be killed for notifying the police of the earlier assault. Once they arrived at the isolated area, other gang members beat the victim, then stabbed him multiple times, ensuring that all the members present participated. As the victim lay dying, the gang members could hear him continue to gasp for air, so they then literally stoned him to death and dumped his body into a nearby stream.

These vicious tactics utilized by the gang have a chilling effect on the immigrant community. Join the gang or be beaten, pay an extortion or your family will be targeted, go to the authorities and be killed. The forced silence of the community caused by these violent tactics adds to the gang's reputation and power. This is what local law enforcement across this country is faced with when confronting MS-13 and why it is so difficult to combat this group and obtain the trust of the most affected communities.

Immigration Enforcement:

Mr. Chairman, when President Trump spoke at the Washington conference of Major Cities Chiefs, on the same day you joined us, the President said, "I am asking you to help us get the really bad ones". Well, that is exactly what we are doing in partnership with ICE and that is why I appear before you today. But it is vital for the Committee to understand that we cannot get the "really bad ones" without the help and support of immigrants who have not committed crimes in our communities.

MS 13 preys upon the immigrant community with the worst forms of violence and intimidation. So, we rely on victims and witnesses to help us identify, track down and apprehend MS 13 gangsters. Without the cooperation of immigrants who have not committed crimes, we would never be able to find and arrest MS 13 criminals. This is a key example of why Chiefs in major cities across the Nation do not engage in routine, civil immigration enforcement. The moment those victims and witnesses begin to fear that their local police will deport them, cooperation with their police then ceases. We would receive no information or intelligence about MS 13 from immigrants, even innocent members of our community who are their victims. Were local police ever to engage in routine, civil immigration enforcement, we would no longer be able to do what President Trump asked of us. There is no better example of this reality than MS 13.

Organization of MS-13:

MS-13's structure also has morphed over time, and has become more difficult to define. Although the gang has a hierarchal structure, it cannot be viewed in a strictly tiered format. The gang has become more fluid in its members' loyalties and clique affiliations allowing for gang members to more easily traverse between subgroups. Additionally, the status and/or personal connections of an individual gang member or an entire clique can allow for the bypassing of the chain of command, allowing for selective adherence to orders. Because some members can go around local gang leaders, due to their stature or ties back in their native countries, they may instead take orders directly from the gang's leadership in El Salvador. The gang also has become more fluid geographically.

National Strategy Required:

For example, an MS-13 gang member charged in a homicide in Montgomery County fled to Texas, where he was subsequently arrested by U.S. Marshals. Similarly, the North Shore Gang Task Force, led by the Federal Bureau of Investigation (FBI) and Massachusetts State Police, reached out to investigators in Montgomery County for assistance in locating a suspect wanted for murder in their jurisdiction who was believed to be harbored in Maryland. County detectives, working with federal Homeland Security Investigations agents, found the gang member wanted in the Massachusetts case accompanied by several other gang members. One of these members was wanted for felony assault in Dallas, Texas. Yet another was believed to be connected to multiple homicides in Houston, Texas. However, at the time of the stop, Texas law enforcement officials did not have sufficient evidence to support charges. This last suspect was taken into custody and subsequently deported, only to return to the United States months later and murdered a 15 year-old girl in Houston in what was described as a satanical ritual. This demonstrates the limitations of deportation when dealing with gang members. This increased transience makes it more difficult for law enforcement to develop intelligence on the gang and identify and apprehend members who commit crimes and then move elsewhere.

Social Media and the Internet:

Another notable trend is MS-13's use of technology to further the gang's endeavors. Gang members in the United States can now instantaneously reach leaders in El Salvadoran prisons via easily concealed cellular phones. Digital technologies and social media are increasingly means for gang members to target rivals, recruit, securely communicate, and thwart law enforcement efforts to gather intelligence and build cases against them. Searching the internet, gang members look for potential recruits based on their posted social connections and geographic affiliations from neighborhoods both here in the United States and from their countries of origin. Similar to terrorist organizations, they reach out to those "wannabes" who are actively seeking information or membership into the gang. The internet was also used, in at least two of the recent MS-13 related murders committed in Montgomery County. The victims were identified, targeted, and ultimately lured to their deaths after they accepted fabricated invitations to meet with female MS-13 associates posing on the internet with promises of having sex with the unsuspecting victims.

Encrypted Applications:

It was learned from a recent Racketeering Influenced and Corrupt Organization (RICO) case authorized by the U.S. Attorney's Office and investigated in conjunction with our federal law enforcement partners in the DEA and HSI, and the Prince George's County Police Department, that MS-13 gang members are exploiting commercially available encrypted "apps" to communicate. These apps prevent communications from being intercepted by law enforcement, even with a lawful court order. This greater issue of "going dark" is not limited to MS-13, or gangs for that matter, but is being used by criminal enterprises and other groups intent on causing harm to the homeland.

Conclusion and Recommendations

MS-13 and other transnational criminal organizations continue to adapt and evolve. Technology allows elements of the gang here in the United States to easily connect with the leadership in their countries of origin. Geopolitical events, such as the collapse of the truce between the gangs and the El Salvadoran government, now have a direct impact at the local level domestically. Gang affiliates in this country have been tasked with increasing their presence in order to generate more revenue as governments

overseas heightened their enforcement operations against the gang. Technology, along with the ease in which people can travel, has allowed for the gangs to hinder law enforcement investigations.

Congress and the federal government can continue to help local law enforcement by acting upon the following recommendations.

Federal Task Forces:

Funding should be made available to establish more task forces, similar to the model used in terrorism investigations. This must include the full spectrum of intelligence gathering and sharing and the resources to conduct in-depth analysis of the information developed. Like the Joint Terrorism Task Forces, it is important that a single, national, infrastructure linking the various geographically based gang task forces be the responsibility of one agency to ensure mission continuity and agency coordination. However, the local law enforcement agencies represented on these task forces need to have an equal role in prioritizing cases and determining where to concentrate resources because they are the ones held accountable by residents and elected officials in the most affected communities.

These federally funded task forces also will need the support of their local U.S. Attorney's Offices. Deputy Attorney General Rod Rosenstein and his previous staff in the U.S. Attorney's Office for the District of Maryland have been consistently supportive. They have recently indicted 15 MS-13 gang members, including the Maryland Program Leader in a RICO case that continues to be prosecuted by that office. In Montgomery County's experience, these complex, long term, federal cases have had the greatest impact on gangs. After each successful case that resulted in multiple indictments of gang members, there has been a period of relative calm. However, the key is to continually maintain the task forces and regularly target the gangs and not allow the gang to rebuild its ranks and regain its momentum.

Encryption:

Congress needs to act to balance the citizens' rights to privacy with law enforcement's need to lawfully monitor and intercept electronic communications regarding criminal activity and potential deadly plots. More and more commercially available encrypted devices and applications are allowing gangs, other criminal enterprises, and even terrorists to digitally conspire illicit plots without the ability of U.S. law enforcement agencies to counter these technologies. This greater issue of "going dark" must be addressed at the federal level to afford law enforcement the legislation and the tools they need to legally access encrypted communications that are used to coordinate criminal activities. Although there may be other viable strategies to target MS-13 and other gangs, these recommendations would have a significant impact in reducing gang activity and its toll on at-risk communities. Encrypted applications prevent local and federal law enforcement from lawfully intercepting conspiratorial communications. The increased mobility of the gangs further hampers law enforcement's abilities to gather intelligence and allows gang members who are guilty of criminal acts to flee to other MS-13 enclaves to be harbored and avoid apprehension.

Gang Prevention Strategies:

Local law enforcement recognizes that MS-13 and other transnational criminal organizations have a strong foothold in certain neighborhoods. The police alone cannot root out the gangs from the communities where they are established. It takes coordination with our regional and federal law enforcement partners to effectively combat the gangs. Local governments must also implement whole of government gang prevention strategies, in addition to their suppression efforts, to be successful. As the gangs rapidly evolve in response to the world around them, so must local and federal law enforcement in order to vigilantly prevent the gangs from becoming stronger. Local communities must be empowered to trust and partner with their police and sheriffs' departments to defend against the violence and other negative influences of the gangs. Congress has an opportunity to fund and reinforce collaborative efforts between local and federal law enforcement and other agencies to holistically target the gang's structure both locally and abroad and to increase the resilience of communities here in our own country.

On behalf of the largest police agencies in our nation, I thank the Committee for confronting this issue with commitment, and we look to you forward to your leadership going forward.

ORAL REMARKS/TALKING POINTS

Chairman Johnson, Ranking Member McCaskill, distinguished Members of the Committee, I am J. Thomas Manger, the Chief of the Montgomery County (Maryland) Police Department. I also am the President of the Major Cities Chiefs Association, an organization that is comprised of Chiefs and Sheriffs of the sixty-nine largest law enforcement agencies in the United States and the ten largest in Canada. I would like to thank you for the opportunity to address the committee to provide a local law enforcement perspective on the complexities and impact Mara Salvatrucha, or MS-13, and similar transnational criminal organizations are having on communities across the nation.

National Trends:

Immigrants who left their native Central American countries because of on-going civil wars in the nineteen-eighties, arrived in Los Angeles only to find that it was dominated by local street gangs. They reacted by forming a gang of their own. Since that time, MS-13 has evolved into one of the most violent and murderous gangs in the world. The Justice Department estimates there are now more than ten thousand MS-13 gang members living in the United States. Globally, there are an estimated thirty-thousand MS-13 gang members, and that membership continues to rise.

Local Region:

MS-13 has evolved since it first emerged in Montgomery County in the late ninety-nineties. It has progressed from a group whose members committed petty crimes and were initially considered more of a juvenile delinquency issue to one whose crimes have escalated to acts of extortion, aggravated assaults, and murders. As a result, my department and others in the National Capital Region formed dedicated investigative units that are solely focused on gangs and continue to target MS-13 and other security threat groups that attempt to operate in the region.

Over the last two decades, my department, in partnership with our regional and federal law enforcement partners, along with the U.S. Attorney's Office, have prosecuted cases against MS-13 and its primary rival Barrios 18 or 18th Street. With each major prosecution, the county experienced a period of relative inactivity from the gangs only for them to reemerge after reconstituting their ranks and reestablishing their criminal enterprises.

Beginning in June 2015, Montgomery County experienced a spike in total gang related homicides. In that year, the county had four (4) homicides attributed to MS-13; while there was only one gang related homicide in each of the preceding three years. The marked increase in Montgomery County correlated with the breakdown of a truce between the gangs and the El Salvadoran government and a significant increase in that country's homicide rate. The following year (2016), Montgomery County had three (3) additional MS-13 related murders. In 2017, Montgomery County has not experienced any additional homicides committed by the gang. This reduction coincides with a major Racketeer Influenced Corrupt Organization (RICO) case that task force officers from Montgomery and Prince George's County and agents from the Drug Enforcement Administration (DEA) and Homeland Security Investigations (HSI) conducted that netted several indictments of top Maryland based MS-13 leaders. However, two MS-13 associates were murdered after an altercation with an unidentified suspect in a local shopping mall in what is still an open case. In a highly-publicized incident earlier this year, a 15

year-old female runaway from the county was killed in a neighboring jurisdiction by MS-13 gang members and associates. Reminding us that our work against the gangs is ongoing and must continue.

It is important to note that during this same time frame, Montgomery County experienced seven (7) homicides that were attributed to two other local “crews” or gangs. These murders appear to be motivated by illegal drug transactions, whereas the MS-13 gang murders appear to be based on the victim’s perceived or actual affiliations with rival gangs. Furthermore, committing a homicide is a means for gang members to elevate their status within the gangs. What also distinguishes the MS-13 murders, is the premeditation, brutality and callousness in which they were committed; with many of the victims suffering from multiple blunt force trauma and stab wounds and left in shallow graves in isolated wooded areas.

Although difficult to track, other gang related crime in the county appears to be statistically flat. However, the police department has noted disturbing changes in the gang’s overall strategy. In addition to the homicides I have already mentioned, we have heard from community members that the gangs, which historically extorted money solely from illicit businesses such as “bordellos” and unlicensed “cantinas”, are now collecting “rent” from legitimate Latino business owners and residents in certain apartment complexes. In some instances, if the victims of this extortion refuse to pay the fee demanded by the gang, the gang members return with detailed information on the intended victims’ family members still living in Central America. The victims here in the United States know that the threat of violence to their extended family in their native countries is a true possibility and the perpetrators are out of the reach of U.S. law enforcement.

Coercion Tactics:

This same tactic also is used to coerce young adults to join the gang or do tasks on their behalf. The gangs surf the internet, building dossiers on potential recruits, gathering information on their social networks both here and back in their countries of origin. The data from social media is then used to entice or coerce new prospects. In at least two of the recent MS-13 related murders committed in Montgomery County, the victims were identified, targeted, and ultimately lured to their deaths after they developed fabricated social media relationships and accepted false invitations to meet with female MS-13 associates posing on the internet with promises of having sex with the unsuspecting victims.

Technology:

Technology also plays a role in hampering law enforcement’s investigations against the gangs and other transnational criminal organizations. In our recent case with the DEA and HSI, investigators learned that gang members were using commercially available encrypted “apps” to plot their criminal activities. These applications and other technologies are part of the growing, larger issue of criminal organizations “going dark” and exceeding the current abilities of both local and federal law enforcement to legally monitor conspiratorial communications, even with a court order.

Transnational/Interstate Organization:

The structure of the gangs also has changed from its inception, further challenging law enforcement’s efforts to combat them. MS-13 is no longer strictly a hierarchical organization. Due to their stature or connections, certain members can bypass local leaders in the U.S. and communicate directly with

jailed leaders in El Salvador who use smuggled cell phones from within prison. Additionally, gang members move more easily between “cliques” or sub-groups, even in geographically distant areas of the United States. My investigators have apprehended wanted MS-13 fugitives from as far away as Massachusetts and Texas. Likewise, an MS-13 member wanted for homicide in my county was located by U.S. Marshals also in Texas. This demonstrates a vast network on behalf of the gangs that will take a coordinated effort between local and federal law enforcement agencies across the country.

In conclusion, I would like to offer the committee a few recommendations to further assist in targeting MS-13 and other transnational criminal organizations.

Task Forces: First, Congress should fund federal, state, territorial and local task forces to focus on gangs. They should be modeled similarly to the Joint Terrorism Task Forces and should have a single, national, coordinated infrastructure led primarily by a federal agency with significant input from local departments. These regional gang task forces will need the full spectrum of support, from centralized intelligence sharing and analysis to prosecution in the U.S. Attorney’s Offices, where federal grand juries and firm sentencing have had the greatest impact on disrupting the gangs. The Senate has previously enacted legislation to accomplish this purpose but it was never approved by the House.

Going Dark: I also urge Congress to act to balance citizens’ rights to privacy with law enforcement’s need to lawfully monitor and intercept electronic communications regarding criminal activity and potential deadly plots. This expanding issue of “going dark” must be addressed at the federal level to afford law enforcement the legislation and the tools they need to legally access encrypted communications that are used to coordinate criminal activities.

Prevention and Intervention: I would like to thank the members of the committee for their time and consideration of these important matters that are having a significant impact at the local level. I am confident that even greater and consistent cooperation and coordination between local and federal law enforcement agencies, along with comprehensive gang prevention and intervention strategies in at-risk neighborhoods, will reduce the gang’s ability to operate and instill fear in our communities.

On behalf of the largest police agencies in our nation, I thank the Committee for confronting this issue with commitment, and we look to you forward to your leadership going forward.

I look forward to answering any questions the committee may have and further discussing any of these issues.