Central American Gangs: Emerging Transnational Concern

Luz E. Nagle
Professor of Law
Stetson University College of Law
Definition(?) : Ongoing Debate

Important Considerations

1. Risk
   a. Lowest: Traditional
      i. Peer / troubled youth group
      ii. Minor offenders / anti-social behavior
      iii. Many lack criminal record
   b. Middle: Street gangs
      i. Lose organization localized crime activity
      ii. Recipients/curries international drug business
   c. Highest:
      i. Mafia like gang (organized crime/third generation)
      ii. “Subsidiaries to OC”

2. Ethnicity: “Immigrant and Transnational Gangs”
Major Central American Gangs with Transborder Ties

Mara Salvatrucha (MS 13)

United States
Central American nations
South American nations
Canada
Spain
Germany
UK
Norway

The 18th Street Gang

• US and 11 countries
  • Canada
  • Central America
  • Mexico . . .
MS-13 Characteristics

• Fastest growing - most violent street gangs in US
• Origins: Salvadoran Civil War refugee community of central Los Angeles in the 1970s-1980s
• Early gang members trained paramilitaries during the civil war (Farabundo Marti National Liberation Front)

“In our Country, we were taught to kill our own people, no matter if they were from your own blood. If your father was the enemy, you had to kill him. So the training we got during the war in our country served to make us one of the most violent gangs in the U.S.”

Ernesto “Smokey” Miranda, co-founder of MS-13
Gang Impact in Central America

Gang violence: part of a broad spectrum of violence in Central America

In Guatemala and Honduras, for example, the regions that have the highest murder rates tend to be those without a significant gang presence, but where organized criminal groups and narco-traffickers are particularly active

Select Countries: Estimated Numbers

- 70,000 (U.S. Southern Command and UN)
- 10,000 in the US (USAF Study)
- According to UNODC
  - 10,500 in El Salvador
  - 36,000 in Honduras
  - 14,000 in Guatemala
  - 4,500 in Nicaragua
  - 1,385 in Panama
  - 2,660 in Costa Rica
Recruitment - Communication

- Internet
- Social media platforms:
  - Facebook, Twitter, YouTube, Myspace
- Recruitment:
  - Middle School and High Schools
  - Coercion and forced recruitment

Law enforcement fear

AVATAR

- Copycat gang proliferation

© Luz Nagle
MS-13 Transformation to Syndicate

“Most Dangerous Gang in the US”

- From home enclaves and small-scale crimes (extortion, robbery, burglary, drug dealing and prostitution)

Large-scale: narcotics, weapons and humans smuggling

MS-13 and Mexican cartels: US middleman between Colombian drug cartels and La Cosa Nostra

Hired Killers for Mexican Cartels

© Luz Nagle
Gang: Primary Distributors Illegal Drugs - Worldwide

“Extension of cartels” (MS-13-Sinaloa Cartel, Zetas)

- Cartel – Gang Relationship:
  - smugglers
  - transporters
  - wholesale distributors
  - killers

Today’s gangs are wealthier and with powerful weapons:
- Assault rifles, grenades, grenade launchers, pipe bombs, improvised explosive devices (IEDs) = violence
MS-13 Clique Organizational Structure

Leader “Jefe”

2nd Command

Recruitment
Logistics
Protection
Criminal activity
Information

Criminal activity:
- Homicide
- Drugs
- Extortion
- Others

Information:
- Intelligence
- PROPAGANDA
Gang Identifiers: Investigations - Educates Jury

Hand Signs: alliance to specific gang

18th Street

Mara (MS 13)

Some no longer get tattooed, others remove them
Gang Identifiers:

Three Dots:
Three dots means: Mi vida loca.

Tear Drop:
Tear drop means the quantity of persons you’ve killed.

Devil Horns:
A common gang sign and tattoo from MS-13.

Mara Salavatrucha 13:
The abbreviation of the gang and the number 13 is a way to represent the Maras, as the 13th letter is “M”

Some no longer get tattooed, others remove them.
**Graffiti:**
*Territory, purpose, next plan of attack*

**Clothing/Colors**
*Dieciocho, Sureno, 18, 666*

**MS-13 / Marasalvatrucha**

**Gang Identification – Sports Team Logos**

**MS-13: Blue & black bandanas**
**Most Dangerous Gang**

FBI

**Initiation Rites**

- Kicking
- Beatings – “Jumping In”
- Gang rapes – “Sex In”
  - Forcing new female gang members to undergo gang rape to enter the gang

**Commits horrific crimes:**

- Murder with machetes
- Victims slaughtered and dismembered
- Booby-trap drug stash houses (antipersonnel grenades)

More crimes = more status
Contract Killings

MS-13 members reportedly contracted by Mexico’s warring DTOs to carry out revenge killings

Relationship between DTOs – gangs most developed in El Salvador, Honduras, with few DTO-gang connections in Guatemala, Nicaragua, Costa Rica, or Panama
Trends as of 2011 (FBI)

A. Fastest growing in US
   - US, est. 10,000 members

B. Active in all 50 States

C. Expansion of criminal acts:
   1. Alien smuggling-human trafficking:
      - Higher profits – lower risk detention/punishment
   2. Prostitution rings:
      - Girls as young as 12 years
   3. White collar crime:
      - Counterfeiting
      - Identity theft
      - Mortgage fraud

D. Infiltrated in the military

A. Active in 32 States

B. Linked to:
   1. Homicide
   2. Extortion
   3. Alien smuggling
   4. Drug smuggling
   5. Auto theft

C. Infiltrated in the military
Maras Increasingly Involved in Narcotics Trafficking: Working with Cartels
Gang Incursion into the Military

According to a recent FBI report, every branch of the military contains some gang members, but most gang members join the Army, the Army Reserves, and the U.S. National Guard.

53 gangs identified on domestic and international military installations
As of 2012
Theft of Military Hardware by Gang Members:

- Twice in 2011, live artillery rounds found in homes of people affiliated with the military, including a known gang member. Projectiles easily converted into improvised explosive devices (IEDs).
- Small arms — though strictly monitored — have appeared on the street in the hands of gang members.
- In July 2011, 27 AK-47s stolen from a warehouse at Fort Irwin in California, gang members suspected in the theft.
U.S. Initiatives

MS-13 National Gang Task Force (NGTF)
Charges brought against Gangs include:

- Racketeering and conspiracy to commit racketeering
- Conspiracy
- Homicide (state and federal)
- Robbery (state)
- Rape (state)
- Assault with a deadly weapon (state and federal)
- Kidnapping (federal)
U.S. Prosecution Efforts

- Drug trafficking and distribution (state and federal)
- Extortion (state and federal)
- Aggravated malicious wounding (state and federal if committed in conjunction with federal crimes)
- Threats against law enforcement (state and federal)
- Human smuggling (federal)
- Weapons smuggling (federal)
U.S. Prosecution Efforts

• Conspiracy to further the objectives of the gang
  – Preserving, promoting, and enhancing the power, territory, and reputation of the gang—the enterprise—through the use of intimidation, violence, threats of violence, assaults and murder and keeping victims and community members in fear of the gang as well as providing financial support and information to MS-13 members including those incarcerated in the United States and elsewhere.
U.S. Prosecution Efforts

• **RICO Act**
  
  – Federal prosecutors stitch together crimes over 10 years, from extortion to murder to bribery, in a single case
  
  – Prosecutors tie an organization’s leaders to the acts of their underlings
  
  – Imposes a minimum of 20 years in prison for those found guilty of two of the crimes included in the RICO law.

"The RICO statute allows prosecutors to focus on organizations that engage in a whole series of crimes," said Assistant U.S. Attorney Joey Contreras. "It makes our job a little bit easier. Basically, the statute outlaws a group of people coming together and committing a whole series or patterns of crimes."
NGTF’s Role

Coordinates MS-13 / 18th Street investigations and enforcement

- Local, state, federal investigations
  - national and
  - International levels

- International intell. Investigation
  - US, Mexico, El Salvador, Guatemala, Honduras
Initiatives

1. Central America Fingerprint Exploitation (CAFÉ)
   - Criminal file-fingerprint retrieval (Mexico, El Salvador, Guatemala, Belize and Honduras)

2. Transnational Anti-Gang Program (TAG)
   a. Increase FBI resources in Mx
      ▪ Investigate gangs Salvador, Honduras, Guatemala, Mexico
      ▪ FBI agents in Salvador working with Police
      ▪ LEO’s cooperation-coordination
International Law Enforcement Challenges

- Lack of understanding / knowledge:
  - Traditional gang
  - Mafia like gang (organized crime/third generation)
  - “Subsidiaries to OC”

- Lack of resources, professionalism, and training to control/combat gangs

- Anti-gang policies:
  - Balance to avoid human and civil rights violations
  - Gangs retaliate against civilians and government and adopt new tactics to avoid identification

- Challenging cooperation with weak/failing states (Source)
  - Issues of lack resources, corruption, and ongoing internal armed conflict

- Need for integrated strategy to tackle causes-effects-prevention
  - Strategy must support criminal justice, community agencies, outreach in schools and immigrant communities
Questions?