

## Taking Back the Streets ICE and Local Law Enforcement Target Immigrant Gangs

By Jessica M. Vaughan and Jon D. Feere

Immigration law enforcement has been a key ingredient contributing to the success of criminal gang suppression efforts in many jurisdictions across the United States. Since 2005, the Bureau of Immigration and Customs Enforcement (ICE) has arrested more than 8,000 gangsters from more than 700 different gangs as part of a special initiative known as Operation Community Shield. This effort has produced incalculable public safety benefits for American communities, despite being criticized periodically by immigrant and civil liberties advocates that are consistently opposed to all immigration law enforcement.

Local governments and law enforcement agencies that shun involvement in immigration law enforcement are missing an opportunity to protect their communities from criminal immigrant gang activity. Policymakers should take further steps to institutionalize partnerships between state and local law enforcement agencies and ICE in order to address gang and other crime problems with a connection to immigration.

Immigrant gangs<sup>1</sup> are considered a unique public safety threat due to their members' propensity for violence and their involvement in transnational crime. The latest national gang threat assessment noted that Hispanic gang membership has been growing, especially in the Northeast and the South, and that areas with new immigrant populations are especially vulnerable to gang activity.<sup>2</sup> A large share of the immigrant gangsters in the most notorious gangs such as Mara Salvatrucha (MS-13), Sureños-13, and 18<sup>th</sup> Street are illegal aliens. Their illegal status means they are especially vulnerable to law enforcement, and local authorities should take advantage of the immigration tools available in order to disrupt criminal gang activity, remove gang members from American communities, and deter their return. Once explained, these measures find much support, especially in immigrant communities where gang crime is rampant.

This report describes the exceptional public safety problems posed by immigrant gangs and looks at how one jurisdiction, Virginia, has used immigration law enforcement tools successfully to check their further proliferation. The authors conducted extensive research on immigrant gang characteristics and activities, analyzed arrest data from Operation Community Shield (OCS), and interviewed dozens of federal, state, and local law enforcement officers around the country who are involved in gang suppression. They were assisted by consultants with federal law enforcement experience and by research interns.<sup>3</sup> This report is a product of a larger study on immigrant gangs in Virginia (forthcoming), supported by a grant from the U.S. Department of Justice.

Among the findings:

- The growth of transnational gangs has been a dangerous side effect of our failure to control the U.S.-Mexico border and our tolerance for high levels of illegal immigration.
- Transnational immigrant gangs are spreading out across the United States, in suburban and rural areas as well as in established urban street gang environments. We found MS-13 activity in 48 states, Washington, D.C., and Puerto Rico.
- The aliens arrested under Operation Community Shield collectively represent a significant menace to the public. The vast majority (80 percent) have committed serious crimes in addition to immigration violations, and a large number (40 percent) have violent criminal histories (See Table 3 on page 13).

- ICE gang arrests have occurred nationwide, with the largest numbers made by the offices in San Diego, Atlanta, San Francisco, and Dallas (see Table 1 on page 5). Some jurisdictions with serious gang problems had just a few OCS arrests, such as Phoenix, with only 81 arrests, and Houston, with 84 arrests. Los Angeles, the gang capital of the nation, had fewer than 300 arrests. These same jurisdictions also had controversial “sanctuary” or “don’t ask, don’t tell” policies on immigration status in place over the time period studied.
- Nearly half, or 3,080, of the aliens arrested over the two-and-a-half-year period studied were affiliated with MS-13 and Sureños-13, two of the most notorious gangs with largely Hispanic immigrant memberships.
- Nearly 60 percent of alien gangsters arrested by ICE were Mexican citizens, 17 percent were from El Salvador, and 5 percent were from Honduras.
- Immigrant gang members rarely make a living as gangsters. They typically work by day in construction, auto repair, farming, landscaping, and other low-skill occupations where employers are less vigilant checking status, often using false documents.
- Immigration law provides powerful investigative authorities not routinely available to local or even other federal law enforcement agencies (LEAs) that can be essential to disrupting gang activity and prosecuting organized gang crime. Many local LEAs, especially in areas with relatively new influxes of immigrant gangs, are not aware of these tools.
- The research found no “chilling effect” on the reporting of crime as a result of local law enforcement partnerships with ICE. Instead of spreading this misconception, immigrant community leaders should help reinforce the message that crime victims and witnesses are not targets of immigration law enforcement.
- Immigration law provides special measures to encourage cooperation of witnesses and informants, and to protect victims of crime. These incentives are more effective in eliciting cooperation from immigrants than sanctuary or non-cooperation policies.
- Programs aimed only at removing incarcerated aliens, while helpful, are not as effective in addressing criminal immigrant gang activity as investigative programs such as Community Shield, or other locally-driven strategies. State and local governments should adopt certain proven laws and policies to help compensate for ICE resource and staff limitations. These can include implementing routine electronic immigration status screening, basic immigration law training, obtaining delegation of authority, and especially applying strong state and local laws to address immigration-related crime problems.

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## Immigrant Gangs

### Gangs a Growing Problem in the U.S.

According to the Justice Department’s National Youth Gang Center, the growth of gangs in the United States has been rapid: In 1980, an estimated 286 jurisdictions reported the presence of approximately 2,000 gangs made up of nearly 100,000 members; by 2002, the number of youth gangs was estimated to be 21,500, with 731,500 members.<sup>4</sup> The Federal Bureau of Investigation (FBI) today estimates that there are 30,000 violent street, motorcycle, and prison gangs, with about 800,000 members.<sup>5</sup> Much of the growth has been in suburban and rural parts of the country, where criminal gang activity is still relatively new.

According to the FBI, gangs are more violent, more organized, and more widespread than ever before and “pose one of the greatest threats to the safety and

security of all Americans.”<sup>6</sup> A recent Drug Enforcement Administration (DEA) report concludes that gangs are responsible for most of the serious violent crime in major U.S. cities.<sup>7</sup> The most significant increases were for crimes often associated with gang activity, such as homicide, robbery, and aggravated assault.

### Immigrant and Transnational Gangs

Over the past few decades, the United States has experienced an increase in the number and size of gangs made up largely if not entirely of immigrant youth (legal and illegal) and the U.S.-born children of legal and illegal immigrants.<sup>8</sup> Gang members of 53 different nationalities are represented in the ICE arrest data (See Figure 1), with the majority (75 percent) coming from Mexico and El Salvador, both of which have high rates of legal and illegal immigration to the United States. Some gangs — the 18<sup>th</sup> Street Gang and Mara Salvatrucha (or MS-

13), for example — are believed to have a largely illegal alien membership.<sup>9</sup>

Of course, immigrant-based gangs are not a new phenomenon, and the role of new immigrants in the creation and growth of gangs has been well documented.<sup>10</sup> Among the well-known historical immigrant-based gangs are Irish, Italian, Chinese, Hispanic, Jamaican, Russian, and Jewish gangs, each with their own unique history. While many of these gangs dissipated after years of law enforcement efforts and assimilation, a resurgence of gang activity began in the 1980s, when law enforcement activity targeted at gangs (and illegal immigration) was abating just as illegal immigration was increasing. In addition, federal agencies gearing up for the war on drugs did not consider anti-gang efforts to be a priority in that effort, despite the warnings of some local law enforcement agencies and evidence of Jamaican and Dominican gangs fueling the crack epidemic and its attendant violence. Meanwhile, some local police forces embarked on illegal alien sanctuary policies as a form of community policing.

The recent emergence and spread of several Hispanic street gangs, most notably MS-13 and 18<sup>th</sup> Street, has attracted the attention of law enforcement agencies and political leaders nationwide. Many gangs are made up of small-time troublemakers, but others have a reputation for grisly violence. They are responsible for virtually the entire spectrum of criminal activity, from nuisance crimes like graffiti to murder. Some are becoming increasingly well-organized and operating as sophisticated crime syndicates across national borders.

Transnational gangs generally are defined as those gangs that are criminally active and operational in more than one country, whose activities are sometimes controlled or planned by individuals in another country, whose members are mobile and adaptable in new areas, and whose members tend to be involved in cross-border or international crime or violations with a nexus to the border.<sup>11</sup>

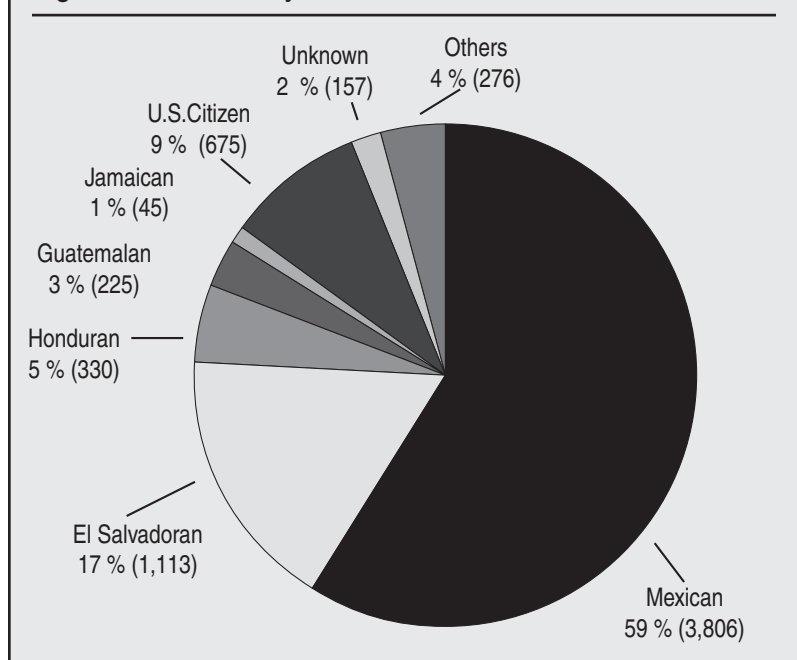
The countries of Honduras, El Salvador, and Guatemala are considered to be the epicenter of the gang crisis, as most of the criminal transnational gang members in the United States have ties to these countries. Murder rates in these countries are extremely high; in 2004, the estimated murder rate per 100,000 people was 45.9 in Honduras, 41.2 in El Salvador, and 34.7

in Guatemala (compared with a 2004 murder rate in the United States of only 5.7 murders per 100,000 people). Salvadoran police estimate that at least 60 percent of the 2,756 murders committed in El Salvador in 2004 were gang-related. The gang population in Central American countries is estimated to be about 500,000.<sup>12</sup>

### Gangs and the Drug Trade

According to the National Drug Intelligence Center and other law enforcement sources, street gangs, along with outlaw motorcycle gangs and prison gangs, are the primary distributors of illegal drugs in the United States. Gangs increasingly are involved in smuggling large quantities of cocaine and marijuana and lesser quantities of heroin, methamphetamine, and MDMA (also known as “ecstasy”) into the United States from foreign sources of supply, and in the transportation of drugs throughout the country.<sup>13</sup> Some street gangs and prison gangs have established relationships with Mexican drug trafficking organizations and these relationships have resulted in the evolution of many street gangs from retail-level distributors to smugglers, transporters, and wholesale distributors. The Department of Justice explained in its 2006 National Drug Threat Assessment, for example, that the increased availability of methamphetamines in the Northeast, Southeast, and Great Lakes regions of the country is in part attributable to the proliferation of His-

Figure 1. Nationality of OCS Arrests, 2005-2007



Source: U.S. Immigration and Customs Enforcement. Total number of arrests: 6,559, including 53 different nationalities.

panic gangs such as the Latin Kings and MS-13 in these areas.<sup>14</sup>

Some Hispanic street gangs have, in effect, become extensions of drug cartels and are working to open new markets, which, in turn, will strengthen both the cartels and the gangs. For example, members of MS-13 have been working for the Sinaloa cartel, one of several major cartels operating along the Mexican border. The gang has helped Sinaloa take control of drug-smuggling routes into San Diego, Calif., and El Paso, Texas.<sup>15</sup> As a result, these cliques are growing wealthier and more powerful, and acquiring more powerful weapons.

To the extent that they are involved in drug trafficking, alien smuggling and other border-related crime, gangs also are associated with increased levels of violence in border communities. Much of the violence is gang-on-gang, but it sometimes spills over to claim innocent victims and is increasingly directed toward law enforcement, especially the U.S. Border Patrol. Violence against border patrol agents has increased nearly three-fold since 2004, and some agents face multiple assaults during every shift.<sup>16</sup> The attacks against Border Patrol agents consist mostly of thrown rocks, but the gangs also have arsenals of assault rifles, grenades, grenade launchers, pipe bombs, and other improvised explosive devices (IEDs).

The large inland destination cities and certain border communities that have experienced an influx of

immigrant gangs are rightly concerned that this deadly crime and weaponry will accompany the gangsters into their communities, as it has in places such as Glassell Park, in Los Angeles. Since the 1970s, an influx of immigrant families involved in organized crime and gangs from the notoriously violent town of Tlalchapa, in the state of Guerrero, Mexico, has transformed Glassell Park into a playground for the local clique of the Avenues, a gang linked to the Mexican Mafia prison gang. The neighborhood is known for frequent parties, heavy drinking, and fights, in addition to home invasions, extortion of local businesses, and drug dealing, sometimes with fatal outcomes. Long-time residents have largely abandoned the area, leaving behind a mostly Hispanic population that has been terrorized by the gang's activities. In June 2008, more than 500 police and federal agents moved in to arrest 28 gangsters, including the alleged leader, Francisco "Pancho" Real, 26, who reportedly earned \$1,200 a day in drug dealing, and his mother, Maria Leon, 44, who has several prior drug arrests and now faces prosecution for illegal re-entry after deportation.<sup>17</sup>

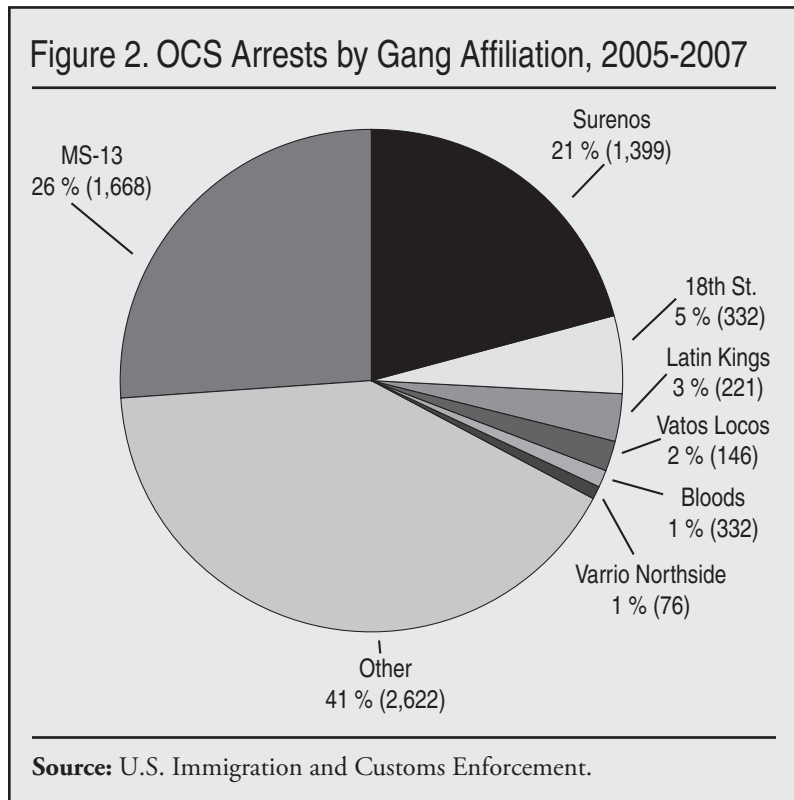
## The Case of MS-13

There are hundreds of immigrant gangs and thousands of immigrant gangsters, but only a few gangs have a significant inter-state and international membership. Just 10 gangs accounted for 63 percent of the ICE arrests during the period studied.

The most notorious is MS-13, and this report focuses largely on this gang's activities, due to the fact that they account for the largest number of ICE arrests (See Figure 2). The history of MS-13 is somewhat unique, and its proclivity for violence is perhaps unprecedented, but many of the activities, traits, and mind-sets of its members are fairly typical of other immigrant gangs.

MS-13 is considered by law enforcement to be the fastest-growing and most violent street gang in the United States. Wherever MS-13 goes, violence follows. Gang members have carried out beheadings and grenade attacks in Central America and have hacked people with machetes in cities along the East Coast in the United States. According to the FBI, MS-13's motto is, "Mata, Viola, Controla," or "Kill, Rape, Control."

By some accounts, MS-13 has "mushroomed into the size of a small army." The



FBI estimated in 2005 that there were approximately 10,000 “hardcore” members of MS-13 in the United States.<sup>18</sup> Estimates of the number of gang members in Central America and Mexico range from 50,000 up to 300,000 members. A significant percentage are part of MS-13.<sup>19</sup>

The exact meaning and origin of the gang’s name is unclear. The name “Mara Salvatruchas” has been translated as meaning a “gang” (*mara*) of “street-tough Salvadorans” (*salvatruchas*). The “13” represents the letter “M” which indicates an allegiance to the Mexican Mafia, the southern California prison gang.

### History of MS-13

During the 1980s and 1990s more than two million immigrants arrived in the United States from Central America, fleeing civil wars and difficult economic condi-

tions. Most settled in the Los Angeles area; in that region alone during the 1980s, the Salvadoran population increased tenfold, from 30,000 to 300,000. Very few of the Central American migrants had been granted refugee, asylum, or other legal status; an overwhelming majority of the new arrivals settled as illegal aliens.<sup>20</sup>

These immigrants, impoverished and largely lacking an education, settled in some of America’s worst neighborhoods, where gang culture was already well-established. It is widely believed that the Central American immigrants formed their own gang to protect themselves from and/or compete with existing Mexican-American and African-American gangs. Law enforcement officers point out that many of the new arrivals had been involved in guerrilla or paramilitary groups in their homelands. “Most of these members are coming from war-torn countries where killing was a regular occurrence — violence, beating people up, stabbing people, seeing people die....They were desensitized. So when it came time for them to deal with rival gang members...their readiness to commit a violent act was nothing; it was second nature,” said Officer Frank Flores, a member of an anti-gang unit of the Los Angeles Police Department.<sup>21</sup>

Over time, MS-13 grew in numbers and power as the gang added more former paramilitaries, criminals, and “wannabe” criminals. They armed themselves with machetes — a weapon traditionally associated with Central American peasants — and guns, helping them earn the reputation of being efficient and deadly.

The growth of MS-13 was at least partially enabled by the burgeoning Central American immigrant population. Salvadorans were first given temporary status in 1990, and then again in 1994. Then, after a series of natural disasters (Hurricane Mitch in 1998 and two major earthquakes in 2001) about 190,000 Salvadorans who originally arrived illegally were awarded Temporary Protected Status (TPS); that designation remains in force today. The current number of Salvadorans with TPS is estimated to be about 250,000.<sup>22</sup>

### MS-13 Now in Nearly All 50 States

MS-13 continues to expand geographically throughout the United States, often following the Salvadoran immigrant population. Our research found MS-13 activity in 48 states, Washington, D.C., and Puerto Rico. No activity was detected in South Dakota or Vermont.

ICE has made arrests of MS-13 members in 38 states (see Table 1 and the map on the next page). Arrests of illegal alien MS-13 gangsters have been made all over the country, from Maine to Hawaii, and from New Orleans to Minnesota and Alaska. Authorities esti-

**Table 1. OCS Arrests  
by ICE Office, 2005-2007**

Office	Number of Arrests
San Diego, Calif.	436
Atlanta, Ga.	428
San Francisco, Calif.	397
Dallas, Texas	379
Chicago, Ill.	342
Newark, N.J.	332
Washington, D.C.	329
Miami, Fla.	325
Boston, Mass.	302
Los Angeles, Calif.	293
San Bernardino, Calif.	247
New York, N.Y.	168
Raleigh, N.C.	162
Charlotte, N.C.	154
Baltimore, Md.	150
St. Paul, Minn.	120
Orange County, Calif.	99
Long Island, N.Y.	96
Houston, Texas	84
Omaha, Neb.	82
Phoenix, Ariz.	81
Las Vegas, Nev.	76
Denver, Colo.	68
Detroit, Mich.	65
San Jose, Calif.	62

**Source:** U.S. Immigration and Customs Enforcement.

mate that, as of 2005, there were approximately 10,000 MS-13 “hard core” gang members in the nation, with perhaps thousands more minor members. The largest concentration is in California, with large numbers also active in the Washington, D.C./Virginia area and New York metropolitan area.

MS-13 is organized into geographically-defined subgroups known as “cliques.” These countless and ever-changing cliques have their own identifiers, whether a surname (e.g. the “Sailors Locos Salvatruchos” or the “Langley Park Salvatruchos” or the “Teclas Locos Salvatruchos”), a certain tattoo, or a penchant for a certain type of crime. The cliques work together to defend their turf, intimidate witnesses, collect membership dues, target law enforcement, and assist each other with recruitment drives. They also work together on drug and alien smuggling operations and share weapons.

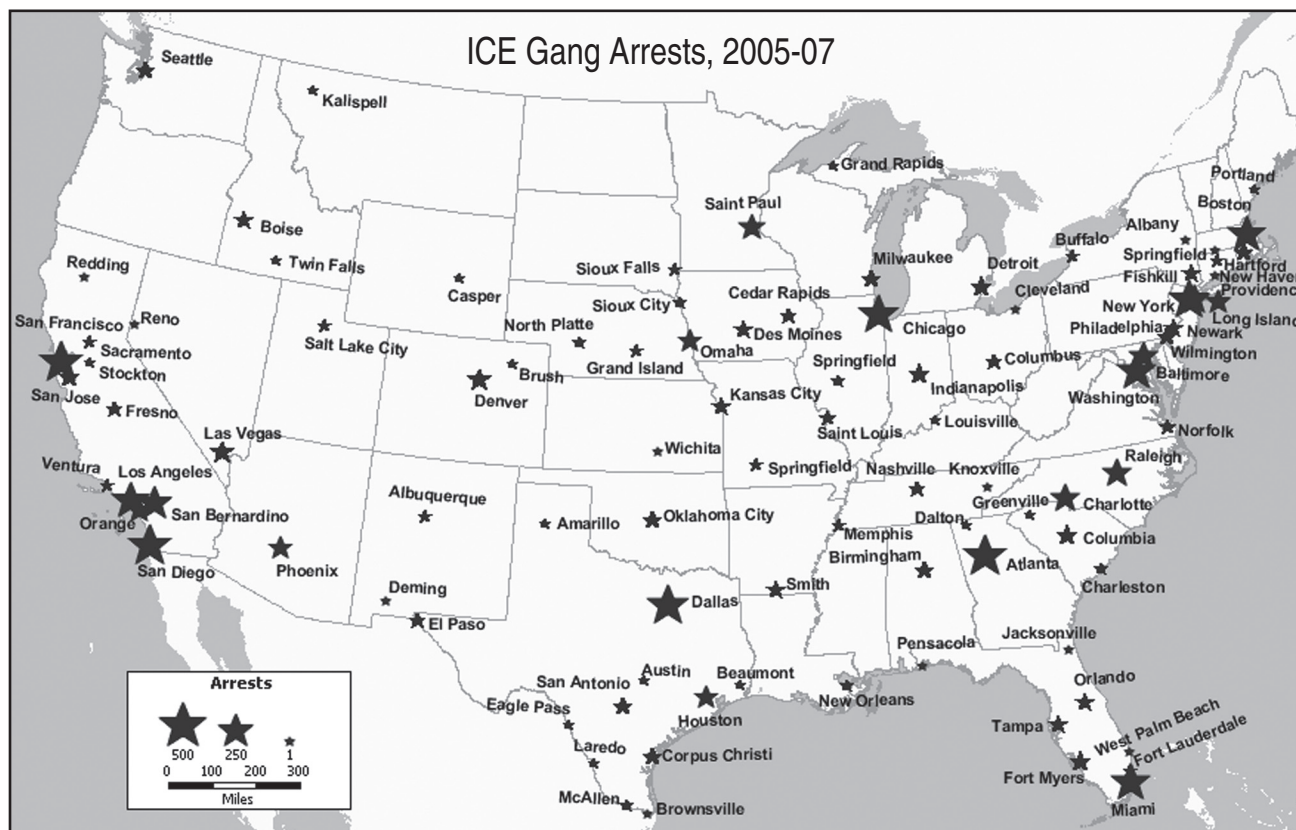
A law enforcement crackdown against MS-13 in one place will sometimes cause the gang to relocate to other areas where they hope the local authorities have less experience or knowledge of their activities. For instance, gang investigators in Virginia believe that one result of the tough suppression efforts in Northern Virginia has been the spread of MS-13 to more rural areas

of the state, such as the Shenandoah Valley and the Rt. 29 corridor, and also to neighboring Washington, D.C., and Maryland.

### MS-13 is Multi-National

MS-13 spread back to El Salvador, apparently at least in part as a result of increased deportations from the United States during the late 1990s and early 2000s. It has been estimated that between 2000 and 2004, approximately 20,000 young Central American criminals were deported from the United States.<sup>23</sup> These deportations were largely the consequence of a crackdown by Los Angeles law enforcement agencies in response to increasing gang violence and crime. They were enabled by the passage of tough new immigration legislation on the federal level (the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, or IIRIRA). Once returned to El Salvador, the gang found fertile ground for recruitment due to severe poverty and lack of economic opportunity in the region, and the limited capability of law enforcement there.<sup>24</sup>

In time, MS-13 spread to Honduras, Guatemala, and southern Mexico. The gang reportedly exists in



at least seven Mexican states, from the southern end of Mexico to the U.S. border, largely along existing cartel drug-smuggling routes.<sup>25</sup> The gang is found along traditional migration routes as well, and immigrants traveling both legally and illegally along these routes are regularly attacked and robbed by MS-13 gang members.

MS-13 is in other parts of the world as well. The gang has a growing membership in Canada (specifically, Vancouver, Montreal, and Toronto) and has expanded to Europe, according to the FBI.<sup>26</sup>

### Fueled by Immigration and Distracted Law Enforcement

A variety of factors have enabled MS-13 to flourish within the United States. Gaps in security along the U.S.-Mexico border have permitted large numbers of MS-13 members to enter and re-enter the country without major difficulty in recent years. Some are new recruits, seeing the United States for the first time, while others are returning after removal. The U.S. Border Patrol has reported for many years that gang members have been entering the United States alongside non-gang illegal aliens through traditional immigrant and drug smuggling routes along the southern U.S. border. "From Honduras and El Salvador, the quickest routes to the U.S. are the smuggling pipelines that run from Mexico directly into the [Rio Grande] Valley," said U.S. Border Patrol Supervisory Agent Roy Cervantes. "From here, they quickly move on to Dallas or Houston and blend in with the immigrant communities there. They want out of the border area as quickly as possible."<sup>27</sup>

The sizeable Salvadoran population in the United States has provided cover and a supply of new recruits. Most MS-13 gang members in the United States are Salvadoran nationals or first-generation Salvadoran Americans, but the gang also includes Hondurans, Guatemalans, Mexicans, and other Central and South American immigrants. Figure 3 details the nationalities of MS-13 members arrested by ICE nationwide.

The gangs also benefited from shifts in law enforcement priorities. Following years of success in the 1990s, many law en-

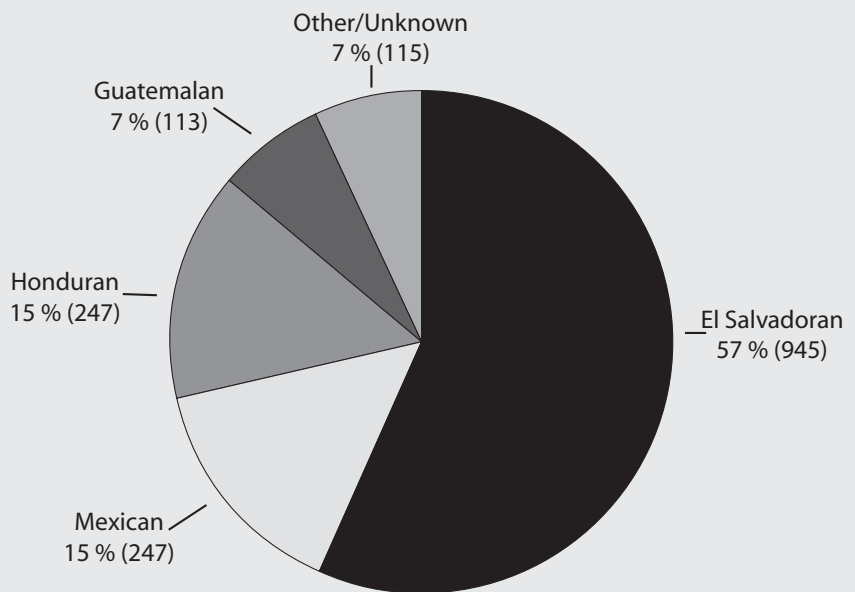
forcement agencies shifted focus away from gang suppression, a trend that was accelerated after 9/11, when preventing terrorist attacks became the top priority. For example, the number of agents dedicated to gang investigations in the Washington, D.C., Field Office of the FBI reportedly declined by 50 percent after 9/11.<sup>28</sup> Moreover, enforcement of immigration laws in the interior has been chronically under-funded and inadequately coordinated, so few gang members faced the risk of removal until recently. Compounding these problems, an increasing number of local jurisdictions adopted policies to distance their local law enforcement agencies from immigration law enforcement, in effect providing a sanctuary for illegal and criminal aliens. Still others were in denial that gangs were even a problem.

Exact numbers are impossible to obtain, but a variety of law enforcement and outside observers maintain that the majority of MS-13 gang members are in the country illegally, with national estimates ranging from 60 to 90 percent.<sup>29</sup>

### MS-13 Crimes

MS-13 strives to be the most violent and feared gang in the world. Activities vary from one location to another, but members have been convicted of such crimes as murder, murder for hire, assault, extortion, kidnapping, theft, retail drug dealing, prostitution, rape, home invasion, robbery, burglary, and numerous other crimes. In

Figure 3. Nationality of MS-13 ICE Arrests, 2005-07



Source: U.S. Immigration and Customs Enforcement.

states along the U.S.-Mexico border, MS-13 is involved in the smuggling of illegal aliens, narcotics, and guns.

MS-13 is playing an increasingly significant role alongside drug cartels in the trafficking of drugs and weapons across the southern borders of both Mexico and the United States. Between 2003 and 2005, nearly 1,100 gang members, many of whom were part of MS-13, were arrested in Mexico for working with Mexican drug cartels.<sup>30</sup> In response to increased border patrols, MS-13 has reportedly been “hired” by smugglers to kill Border Patrol agents blocking significant smuggling routes, according to news reports of a confidential Department of Homeland Security memo.<sup>31</sup>

Much of the violence attributed to MS-13 is targeted at rival gang members. One of the ways to achieve their goal of becoming the most fearsome gang is, according to the gang’s leaders, to attack rival gangs whenever the opportunity presents itself. Sometimes, bystanders are caught in the crossfire. In some areas, gang-on-gang violence is racial in nature, as predominantly Hispanic gangs like MS-13 attempt to take over areas traditionally controlled by predominantly African-American gangs.

MS-13 gangs are commonly involved in extortion schemes. In Central America, hundreds of bus drivers have been killed for refusing to pay “tolls” to MS-13 gang members, store owners have been executed by the gang for refusing to pay a “tax” levied by the gang, and reportedly the gang has demanded payment from the parents of young girls to insure the girls will not be raped by gang members.<sup>32</sup> In the United States, gang members extort fellow criminals such as prostitutes and drug dealers, along with other residents and merchants in immigrant communities.

There is ample evidence of the increasingly organized nature of MS-13 criminal activity. In 2005, federal and state law enforcement agencies arrested a number of MS-13 members working on “theft crews” linked to a stolen property fencing ring in Kentucky run by Eyad M. Suleiman, a U.S. citizen born in Kuwait. These rings are responsible for trafficking millions of dollars worth of stolen medicines and other goods. Gang members stole the items from retail outlets such as Walgreens and Wal-Mart in Texas, Wisconsin, and Kentucky for resale to independent grocers and convenience stores. The thieves were linked to other MS-13 theft rings in the eastern United States. Investigators suspected that gang members sent some of the proceeds back to gang leadership in Central America, while the rest was used to finance additional criminal activities in the United States.<sup>33</sup>

## MS-13 in the Work Force

MS-13 members and other immigrant gangsters rarely make a living as full-time gangsters. They typically work by day in jobs such as construction, auto repair, farming, landscaping, and other low-skill occupations where employers are less vigilant about checking immigration status. One town in Virginia discovered recently that it had a gang member working in an elementary school. Gangsters often use false documents or stolen identification to evade any screening by employers. Some gangs are involved in the theft, sale, and production of documents. Employers, family members, and neighbors may be completely unwitting about their gang involvement and criminal activity, to the point where community members may complain when the inevitable arrests occur. One state trooper in rural Virginia lamented, “Ev-

### The Treasurer

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MS-13 is increasingly organized financially with members of individual cliques holding the position of “treasurer.” In the recent conviction of MS-13 member Melvin Murios-Garcia, who was living in Hyattsville, Md., Murios-Garcia admitted to serving as an MS-13 treasurer from 2001 to 2006. His duties included collecting “dues” from the gang’s membership and relaying the money to MS-13 leaders across the country, often through wire transfers. Murios-Garcia also participated in the gang rape of two Maryland high school girls, aged 15 and 17, where the girls were taken to the home of an MS-13 leader, held at gunpoint in two separate bedrooms, and both raped by at least ten gang members who lined up in a “train” outside of the rooms. Gang rapes are common to MS-13, and are seen as a “bonding” ritual for the participants. Additionally, Murios-Garcia robbed a marijuana dealer in Hyattsville, Md., taking \$1,700 and using the money to assist jailed gang members. Finally, Murios-Garcia conspired to force a fellow gang member to kill a rival gang member as punishment for failing to come to the aid of MS-13 members in a fight that resulted in two MS-13 members being stabbed.

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**Source:** Press Release. “MS-13 Treasurer Sentenced on RICO Conspiracy Charges. Participated in Gang Rapes of Two High School Girls.” Department of Justice. June 11, 2007.



everyone loves these guys during the day [for their labor] but it's at night when they cause me [and the police] all the problems."

## MS-13 Organization

At this time, MS-13 gang members in the United States do not appear to be controlled by any central, organized hierarchy, and display little of the command structure evident in El Salvador, but most investigators believe this is changing. The increase in organization is expected to result in a more powerful gang that will be difficult to dismantle. While U.S. cliques hold regular meetings to plan crimes, collect dues, and discipline members, until recently there was little indication of outside coordination. But federal LEAs now report signs of increasing contact and synchronization among MS-13 chapters in Los Angeles, Washington, D.C., Northern Virginia, New York City, and El Salvador, "possibly signaling an attempt to build a national command structure."<sup>34</sup> Paul McNulty, the former U.S. Attorney for the Eastern District of Virginia, observes that "in some of the violent crimes, there seems to be a kind of approval process in some kind of hierarchy beyond the clique."<sup>35</sup> Jailed gang members on occasion have ordered "hits" on people outside prison.

MS-13 cliques sometimes hold meetings in public under the guise of legitimate social events such as picnics or soccer games in order to plan attacks and recruitment drives. MS-13 leaders have sent emissaries to energize the "quieter" cliques to commit more flamboyant violence. Members of one MS-13 clique in Maryland known as the Sailors, which was established by hardened gangsters from El Salvador, tried to instruct other local clique members to do more killing — that their goal should be to kill at least two rivals every 15 days. The local Sailors resisted, pointing out that it would set off a crackdown from local police.<sup>36</sup> Dallas police Detective Dianna McLuckie notes, "They didn't become real active [in Dallas] until some of their guys came down from Virginia and North Carolina last December [2001] and put on a show of force."<sup>37</sup>

In most cliques, acts of violence are expected of members. "In order to get your letters or clique [symbols] tattooed on you, you have to...put in some violent act to show your commitment," says Sgt. George Norris, supervisor of the gang unit in the Prince George's County (Md.) Police Department.<sup>38</sup>

MS-13 has its own "enforcement" mechanisms designed to maintain discipline. Members who fail to back up other members or attack rival gang members face a "court" convened by their peers. The "court"

decides upon the appropriate punishment, which, according to one expert, might be one of three options: a 13-second beating, a 26-second beating, or a 36-second beating. The beatings could involve the use of bats, machetes, and guns. Gang members who cooperate with law enforcement are threatened with death.

Gang leaders spy on their own members to keep control. The most well-known case of an MS-13 gang member killed for acting as an informant is that of 17-year-old Brenda Paz (see sidebar at right).<sup>39</sup> As Ismael Cisneros, who is now serving a life sentence for the murder of MS-13 member-turned-informant Paz told *CBS News*: "MS-13 has rules, you understand? And when you break the rules, we all have to decide if you deserve to die."<sup>40</sup>

## The Informant

Brenda Paz moved to Los Angeles from Honduras and at age 13 was initiated into MS-13 through the traditional 13-second beating. After joining MS-13, Paz began dating a powerful member and traveled with him to the Washington, D.C., area.

In the fall of 2002, Paz began cooperating with federal authorities, providing investigators with detailed information on various MS-13 operations. Paz reportedly provided agents with critical information on at least 60 cases and shared incriminating information about gang leaders' involvement in a murder. She moved in and out of a witness protection program, relocating from Maryland to Minnesota to Virginia, and was never fully able to resist the pull of old gang friendships.

On July 12, 2003, after members obtained Paz's diary detailing her work with federal agents, leaders of an MS-13 clique met in a Fairfax County, Va., hotel to discuss her fate. The following day, fellow MS-13 members took Paz to a secluded area of Virginia's Shenandoah Valley on the premise of a fishing trip and she was brutally murdered. The order to kill Paz was made by a former boyfriend, Denis Rivera, who at the time was in an Alexandria, Va., prison on a 2001 gang-related murder charge. He ordered Paz's murder through letters and cell phone calls.

Paz's killers tied a rope around her neck in order to keep her from struggling, and stabbed her 13 times, nearly beheading her. Her killers responded to her screams of "Why?" with, "Because you're a rat."

**Sources:** "The Fight Against MS-13," *60 Minutes*, CBS News, December 4, 2005 and "2 MS-13 Gang Members Guilty Of Murder," Associated Press, May 17, 2005, <http://www.msnbc.msn.com/id/7889812/>.

Paz was no innocent observer to murder; before becoming an informant, she participated in the December 2001 murder of 21-year-old Javier Calzada in Grand Prairie, Texas. She and some female friends served as bait to lure Calzada into a confrontation with other MS-13 members who forced Calzada into a secluded area off Interstate 30. Ten days after the murder, what was left of his body was discovered in a wooded area by fishermen. Calzada had been shot in the back of the head, stripped of his clothing, and sodomized.

Calzada's killers apparently believed he was a member of a rival gang. Besides killing to show off and to frighten potential recruits into joining MS-13, they stole his shoes, jewelry, and the tires off his 2000 Chevrolet Malibu. After the killing, Sergeant Alan Patton, head of Grand Prairie's major crimes unit, remarked, "In 16 years of homicide investigations, I've never seen a more vicious and depraved murder."<sup>41</sup>

Related to the threats faced by informants are the threats faced by those who have renounced affiliation with MS-13. Once a member of MS-13, it is difficult to leave because leaving the gang is considered an insult and an act of disloyalty. A gang member who has left the gang often still bears identifying tattoos and faces the possibility that he will cross paths with someone who will uphold the MS-13 "honor code" by killing him.

## MS-13 Recruitment Is Constant

MS-13 cliques are continuously trying to expand their ranks through recruitment. Two key forums for MS-13 recruitment are schools and prisons. Educators across the country are reporting increasing gang presence in schoolyards.<sup>42</sup> According to commonwealth's attorney Marcia Garst, of Rockingham County, Va., teachers in her jurisdiction report that MS-13 and similar gangs are targeting students as young as the 2<sup>nd</sup> grade.<sup>43</sup>

Virginia has coupled gang prevention efforts with making gang recruitment a crime in an effort to choke off the flow of new recruits whose involvement escalates with age. With the success of suppression and removal efforts targeted at the leaders and more serious criminals, gang investigators report that they are now able to deal with the younger members. Figure 4 shows the age pattern of gangsters arrested under Operation Community Shield.

Prisons in the United States and Central America give new and existing gang members the opportunity to network and hone their skills, and have been dubbed "gangland finishing schools."<sup>44</sup> In addition, new and unaffiliated inmates may have little choice but to join a gang.

## Remote Control

In June 2007, a federal grand jury in Greenbelt, Md., indicted three MS-13 members – Dany Fredy Ramos Mejia, Saul Antonios Turcio Angel, and Rigoberto Del Transito Mejia Regalado – with conspiracy to participate in a racketeering enterprise in the United States and El Salvador that involved murder, robbery, obstruction of justice, and witness tampering. Two of the defendants were indicted for allegedly communicating from an El Salvadoran prison, via cell phone, with MS-13 gang members located in Maryland concerning an effort to commit a variety of crimes, including one instance which resulted in the murders of two persons in the United States.<sup>1</sup> The case ultimately involved eight homicides in Maryland and one in Virginia. Two of the suspects are in Salvadoran prisons; the third, Mejia Regalado, was released from a Salvadoran prison and killed soon after, in a January 2008 shootout between Salvadoran police and gang members.<sup>2</sup>

In July 2007 MS-13 gangster Henry Zelaya, aged 21, was sentenced to life in prison on counts of conspiracy to participate in a racketeering enterprise involving murder, robbery, obstruction of justice, and witness tampering. Zelaya has been linked to five murders in Maryland and one murder in Virginia. While in jail awaiting trial, Zelaya wrote letters to his fellow gang members advising them on how to operate while he was incarcerated, instructing a member of his clique to make contact with MS-13 members in El Salvador, and inciting them to acts of violence.<sup>3</sup>

<sup>1</sup> Press Release. "Three Salvadoran Nationals Indicted on Racketeering Charges for Participation in Violent International Gang." Department of State, June 5, 2007. (Note: This case is related to the case against Henry Zelaya.)

<sup>2</sup> Ruben Castaneda, "Salvadoran Police Kill Suspect in U.S. Case," *The Washington Post*, January 8, 2008.

<sup>3</sup> Press Release. "MS-13 Leader Sentenced to Life in Prison." U.S. Department of Justice, July 30, 2007.

### MS-13 a Clear Threat to Public Safety

Of course, not all of the violence perpetrated by MS-13 is directed at fellow or former gangsters. Immigrant communities across the nation feel much of the brunt of MS-13 crime and violence, predictably, as mobile members tend to settle in areas with existing Hispanic immigrants. Sometimes innocent bystanders are caught in the crossfire of inter-gang violence. Data from the Bureau of Justice Statistics indicate that Hispanic violent crime victims are twice as likely as non-Hispanic violent crime victims to identify the perpetrator as a gang member.<sup>45</sup> Immigrant business owners experience gang-related burglary, extortion, and vandalism. Immigrant children are considered ripe targets for gang recruitment and are sometimes threatened for refusing to join.

Law enforcement officers are also targets, prompting many local agencies to warn officers about gang plots to ambush officers responding to service calls.<sup>46</sup> According to Wes McBride, president of the California Gang Investigators Association and a veteran of the Los Angeles County Sheriff's Department, "MS-13 has no compunction about killing. MS-13 will kill a cop at the drop of a hat. They just don't mess around."<sup>47</sup>

### Ties to Terrorism?

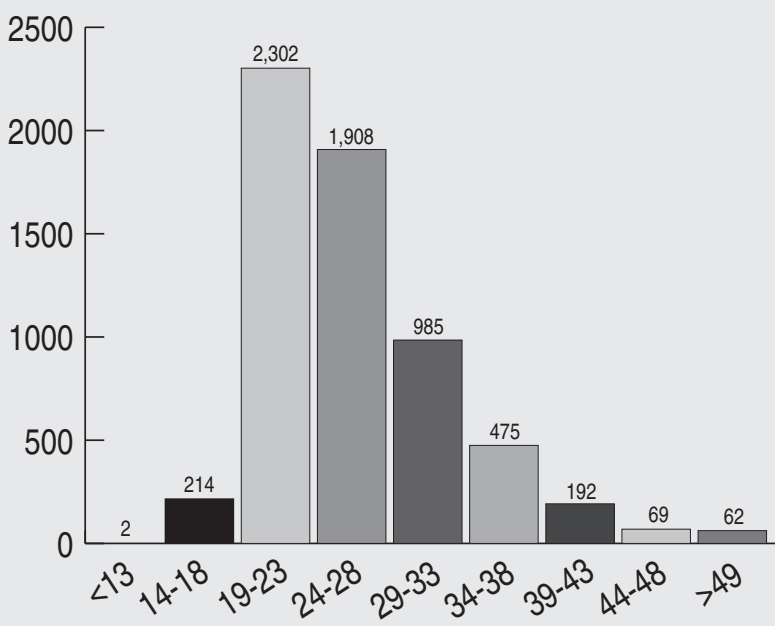
Because MS-13 is known to work alongside drug and human traffickers as they seek to expand control over smuggling corridors along the southern border, there is

some concern that terrorists would seek an alliance with MS-13 or other transnational gangs. In July 2004, U.S. authorities reported that Adnan G. El Shukrijumah, a former Florida college student from Saudi Arabia wanted for his role in planning the 9/11 attacks, was spotted in Tegucigalpa, Honduras, meeting with MS-13 leaders, perhaps in an effort to get help arranging illegal entry into the United States.<sup>48</sup>

A 2005 DEA memo reportedly outlined a possible link between Middle Eastern Islamic radicals and drug smuggling gangs like MS-13. The memo suggested that Middle Eastern terrorist cells operating in the United States have worked with established drug cartels in smuggling people and drugs into the United States through existing trafficking routes, and that some of the money made from these operations funds terror networks overseas.<sup>49</sup>

Still, Robert Clifford, former director of the FBI's MS-13 Task Force, calls the claim of a connection between MS-13 and al Qaeda "improbable." He notes that there is no basis in fact to support the allegation of al Qaeda or even radical Islamic ties to MS-13.<sup>50</sup> ICE gang investigators interviewed for this project believe that MS-13 would be unlikely to want to draw the additional attention and the accompanying disruption of its activities from federal law enforcement authorities that would inevitably result from an association with terrorists. Nevertheless, the FBI acknowledges at least one former instance of a street gang working with foreign terrorists: In 1986, members of the El Rukin street gang in Chicago plotted with Libyan leader Mu'ammar al-Qadhafi to perpetrate terrorist acts against the U.S. in exchange for money.<sup>51</sup> And in 2005, then-ICE Assistant Secretary Michael Garcia warned in testimony to Congress: "While neither ICE nor any other U.S. Government agency that I know of has credible evidence to support these reports, the threat remains that any criminal organization that exploits our borders for profit could, for the right price, bring in terrorists or bring in components of weapons of mass destruction."<sup>52</sup>

Figure 4. Age Distribution of OCS Arrests, 2005-2007



Source: U.S. Immigration and Customs Enforcement.

## Operation Community Shield

In response to the increase in MS-13 and other transnational gang activity relative to domestic gang activity, and also to interest within DHS for expanding priorities beyond terrorism-related immigration law enforcement, which had been its primary focus since 9/11, ICE launched Operation Community Shield (OCS) in February 2005. The purpose of the ongoing program is to complement federal and local gang suppression initiatives by directing ICE resources and authorities toward apprehending criminal alien gangsters. Each regional Special Agent-in-Charge (SAC) office was directed to conduct a threat assessment for its jurisdiction and to develop a list of targets in cooperation with state and local law enforcement agencies. Most state and local agencies were enthusiastic partners, with the understanding that the operation would be focused on gangsters and would not interfere with or imperil community policing objectives. Notably, even some jurisdictions with sanctuary policies, such as San Francisco, approached ICE to ask to participate.

The idea of launching a task force to address gangs is not new, even for the immigration agency. The INS ran the Violent Gang Task Forces in the late 1980s and throughout the 1990s, and these operations were successful in smashing some of the Colombian drug organizations and Jamaican posses. Community Shield builds on that experience, but is a much higher priority for ICE, a stand-alone law enforcement agency, than similar efforts ever were for the INS. It has been implemented with a level of professionalism, organization, and funding that was not common under the more schizophrenic, decentralized, and under-funded INS. Community Shield is an example of the positive results that were made possible by the separation of immigration benefits functions from enforcement functions when the Department of Homeland Security was created, and of the rejuvenation of the immigration enforcement mission that has occurred over the last several years under ICE.

### Operation Community Shield Results

ICE has arrested more than 8,000 immigrant gangsters under the auspices of Community Shield. We obtained OCS arrest records for the period of February 2005 through September 2007, during which time a total of 6,559 gangsters were arrested. An ICE official estimates that at least one-third of these individuals already have been removed. Many others are still incarcerated and slated for removal at the conclusion of their sentences.

While it is difficult to quantify precisely the impact of this operation on communities struggling with criminal gang activity, every local law enforcement officer interviewed believes that the removal of alien gangsters has had a positive effect on public safety. The Dallas Police Department attributes a 20 percent reduction in that city's murder rate in 2005 to the arrest and removal of alien gangsters as a result of OCS.<sup>53</sup> Fairfax County, Va., reported a 32 percent drop in gang-related crime in 2006, with continued decline in 2007, as a result of its successful Northern Virginia Gang Task Force (NVGTF) and cooperation with ICE.<sup>54</sup> According to NVGTF statistics provided to the authors, about 30-40 percent of their caseload has been removable aliens.

### Most Were Illegal Border Crossers

The OCS arrest data indicate that a large majority of the gangsters arrested — at least 70 percent — entered the United States by crossing the border illegally (See Table 2). Only about 100 were listed as having green cards or as having been granted asylum. More than 10 percent had been formally deported before. No more than a handful were visa overstayers or visa fraud perpetrators. The number with Temporary Protected Status (TPS), or whose parents have TPS, cannot be determined from the data.

Immigrant gang members with legal status are unlikely to become targets for removal under Community Shield unless they have committed serious crimes. More than half of the handful of gangsters arrested who were identified as green card holders were flagged as having a violent criminal history. Most of the remainder had drug or robbery/theft charges.

**Table 2. Immigration Charges Under OCS, 2005-07**

Status	Number
Entered Without Inspection	4,573
Criminal Charges	1,070
Re-Entry after Deportation	765
Lawful Permanent Resident	99
Visa/Document Fraud	29
U.S. Citizen	12
Failure to Appear/Depart	8
Unknown	2
Asylum	1

**Source:** U.S. Immigration and Customs Enforcement.

Table 3. Criminal Charges on Gangsters Arrested Under OCS, 2005-2007

<b>Criminal Charge</b>	<b>Total Number of Charges</b>	<b>Percentage of Total</b>
<b>Crimes Against the Person</b> (including: assault, battery, hostage taking, kidnapping, abduction, child abuse, spousal abuse, wounding, stabbing, shooting of ICE agent, attempted murder, drive-by shooting, false imprisonment)	1,334	23 %
<b>Theft Charges</b> (including: robbery, burglary, larceny, theft, stolen goods, bribery, shoplifting)	1,197	21 %
<b>Drug Charges</b> (including: distribution, purchase, or possession of drugs/narcotics such as cocaine, methamphetamine, marijuana, heroin, and other controlled substances)	1,110	20 %
<b>Weapons Charges</b> (including: possession of illegal/unregistered/concealed handguns, shotguns, explosives, machetes, and other weapons)	830	15 %
<b>Driving-Related Charges</b> (including: DUI, DWI, Hit & Run, basic traffic violation, and other charges)	234	4 %
<b>Judicial Crimes</b> (including: obstruction of justice, tampering with evidence, witness intimidation, parole/probation violations, contempt, resisting arrest, fleeing the scene)	229	4 %
<b>Gang Nuisance</b> (including: vandalism, graffiti, disrupting the peace, disorderly conduct, loitering, mischief, rioting, mob activity, unlawful assembly, fighting, terror threats, aiding a felon, public intoxication)	185	3 %
<b>Crimes Against a Dwelling/Vehicle/Real Property Charges</b> (including: arson, breaking and entering, carjacking, trespass, home invasion, destruction of property)	165	3 %
<b>Killings</b> (including: murder, manslaughter)	126	2 %
<b>Sex Offenses</b> (including: rape, molestation, sexual assaults, prostitution-related charges)	110	2 %
<b>Fraud Charges</b> (including: forgery, use of false ID, impersonation, false immigration documents)	101	2 %
<b>Organized Crime</b> (including: gang activity, organized violence, smuggling, money laundering, RICO violations, other racketeering)	74	1 %
<b>Total</b>	5,695	100 %
<b>Unknown Charges</b>	1,370	

**Source:** U.S. Immigration and Customs Enforcement.

### Crimes Committed by Immigrant Gangsters

The gangsters arrested under Community Shield were responsible for a wide variety of crimes, and collectively represent a significant menace to the public. Two-thirds of those arrested (4,338) had criminal records (independent of any immigration charges). About 40 percent of the arrestees (2,577) had a violent criminal history.

Assault and/or battery were the most common crimes committed by the gangsters arrested by ICE, followed by robbery/theft, weapons violations, and drug charges. The ICE arrest database lists 126 gangsters charged with a homicide, 110 sex offenders, 99 drunk drivers, and 10 who made terrorist threats. See Table 3 for details.

### Administrative vs. Criminal Charges

The immigrants arrested under OCS face immigration charges in addition to any federal or state criminal charges. Immigration charges can be criminal or administrative. Criminal violations of immigration law include re-entry after deportation, false documents, alien smuggling, firearms possession, immigration fraud, and convictions for serious crimes of violence, theft, drugs, or DWI. Most illegal aliens, including those arrested under OCS, are charged for administrative (or civil) violations, usually for entering illegally or for violating the terms of entry.

ICE agents frequently use administrative charges to take custody of dangerous individuals who are wanted for crimes in other countries. One recent example is Jesus Ruben Moncada, a Mexican gangster who was wanted for his role in the bloody massacre of 19 people, including eight children, in Baja California in 1998. Moncada was arrested on administrative immigration charges in Los Angeles in August 2008, where he had lived for 10 years under his own name after entering illegally near San Diego.<sup>55</sup>

Nationally, about 29 percent of alien gangsters arrested by ICE were removed on criminal immigration charges, with 71 percent removed on administrative charges. Based on the severity of their crimes, a larger proportion of these criminal aliens potentially could be removed on criminal immigration charges. However, ICE often does not pursue criminal immigration charges because they are more complicated, time-consuming, and costly. Administrative charges are much easier to pursue, and the result is the same — the alien is removed.

Observers should not assume that those with administrative immigration charges represent no threat to public safety. On the contrary — OCS arrest data show that many of those removed on administrative immigration charges have committed serious crimes, of which nearly half (1,714) were violent, including 75 murders or attempted murders, 57 sex offenses, and 35 assaults on law enforcement officers.

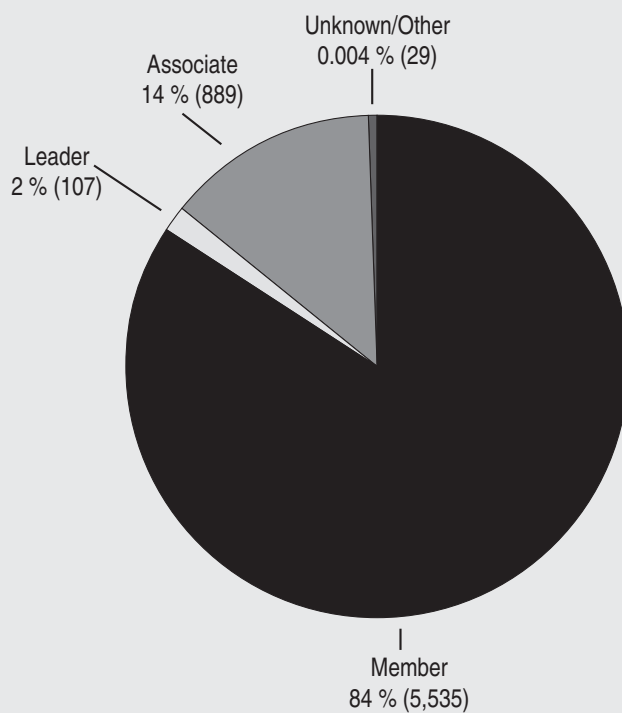
Some police departments have adopted sanctuary policies that forbid officers from reporting to ICE those illegal aliens they encounter who are wanted on administrative immigration charges (most of these aliens are absconders from removal orders, but also may be previously removed criminals or aliens from countries of national security interest who have failed to reg-

ister with ICE). Local officers generally become aware of immigration warrants through the routine, standard electronic automated criminal records check (the National Crime Information Center check). Local leaders have justified their sanctuary policies on the mistaken assumption that the subjects of administrative immigration charges are neither criminals nor dangerous to the public, and thus “harmless” and not of interest to local law enforcement. In fact, police departments that ignore these warrants increase the risk to the public by obstructing the apprehension and likely removal of a significant number of dangerous individuals.

### Gang Status of Arrestees

A total of 107 of the alien gangsters arrested under Community Shield’s first two and one-half years were identified as gang leaders (See Figure 5). The vast majority of arrests (84 percent) were classified as regular gang members, and a small portion (14 percent) were classified as gang associates. ICE typically uses the terms provided by the local law enforcement partners. While some complain that such classification invites “racial profiling,” the definitions typically are set out in state laws or regulations. An individual who is classified as a gang “member” generally must meet several criteria, such as self-admis-

Figure 5. Gang Status of OCS Arrests, 2005-2007



Source: U.S. Immigration and Customs Enforcement.

sion, involvement in a gang crime, identification by an informant or in a photo, possessing gang documents, visiting gang members in prison, having tattoos or other recognizable markers, etc. The term “gang associate” is generally used by law enforcement agencies to mean someone who is connected to the gang in some way, but who may not be an initiated gang member.

These statistics refute the charge often levied by OCS critics that the operation is not targeting dangerous gang criminals, but is really a cover for routine immigration law enforcement against “otherwise law-abiding” illegal aliens. For instance, after an operation in the summer of 2007 in Long Island, N.Y., immigrant advocacy groups protested that ICE had arrested “too many” gang associates. The OCS arrest records for both SAC Long Island and the entire operation show that even the gang associates were worthy of ICE attention. Some of the investigators interviewed for this study believed that gang associates can be more dangerous than full-fledged gang members because they may be trying to prove their worth to the gang. They also can provide vital information on gang activities. Besides, in addition to being illegal aliens, more than 100 of the gang associates arrested nationwide had violent criminal histories, including previous charges for homicides, assaults on law enforcement officers, rape, and other serious crimes. Dozens of the gang associates arrested had been deported before and faced new felony charges for illegal re-entry, which carries a very heavy penalty under Federal Sentencing Guidelines.

## How Operation Community Shield Works

Operation Community Shield joins the immigration law enforcement authorities of ICE with the front-line experience and intelligence of local gang-fighting units. ICE agents have unique law enforcement authorities that can augment and assist local gang suppression efforts in a way that is unparalleled, even for other federal agencies. Too few local law enforcement agencies are aware of how these authorities, described below, can be used in support of anti-gang work and other public safety initiatives.

Upon receiving information from local law enforcement agencies on gangs and gang members of concern, ICE special agents determine if there are immigration law violations that can be pursued. If so, the individuals are instantly subject to arrest, which can have an immediate disruptive effect on gang activity in the community. In addition, as explained below in more detail, these initial arrests can serve as the foundation for larger scale investigations aimed at dismantling the criminal gang organizations for a long-term positive im-

pact on public safety and crime. This strategy follows long-standing law enforcement standard operating practice to penetrate and work up the ladder in a criminal organization or conspiracy.

## Immigration Law Enforcement Authorities

The most basic ICE authorities used in gang investigations include “street stops” and residential search authorities. These tools enable agents to 1) fully identify gang members; 2) collect evidence or intelligence on gang associations and operations through examinations of “pocket trash,” cell phones, tattoos, and other materials; and 3) develop informants.

An ICE agent may question any individual if there are “articulable facts” that suggest the person may be an alien, and then detain or arrest the individual if he/she cannot demonstrate verifiable identity and legal presence. This is a less stringent legal threshold than the typical “probable cause” standard applied by most other law enforcement agencies; it equates to reasonable suspicion for the apprehension. In addition, with the consent of a resident, an ICE agent may enter and search the home of a suspect without a warrant. A police officer can do the same, but foreign nationals generally are less likely to deny ICE agents consent to search. These searches often turn up weapons, drugs, documents, or other evidence of additional criminal activity that serve as the foundation of a more significant criminal case against the gang organization.

What makes these ICE-conducted searches so valuable for gang and other criminal investigations is that the subject is often unaware of the true nature of the investigation. After the search, the alien suspect is often left believing that the ICE agents were there simply to look at immigration status, while the agents may walk out the door with major intelligence and, in some cases, evidence of criminal activity. The criminal aliens are none the wiser as to the agents’ true intent, and remain off guard and continue to conduct their illegal gang business as usual without realizing their operations have been compromised. After the initial arrest and search, typically a ripple effect occurs in the investigation as background checks inevitably turn up prior arrests, associations, and convictions that lead to other gang members or conspirators.

It is important to emphasize that these authorities and tactics are used sparingly, and only as part of focused operations and investigations of suspected criminal activity. Contrary to the claims of many civil liberties or immigrant advocacy groups, neither ICE nor those local officers with immigration enforcement authority

use these investigative tools to conduct “street sweeps” or other random enforcement efforts, and they are not driven by “racial profiling.” Agents are well-trained in the legal and political ramifications of abuse of authority and, on a practical level, have far too large a caseload of criminal investigations to bother with arbitrary or unsystematic encounters.

Because the ultimate goal of OCS is to bring down the gang leadership and organization, as well as to arrest individual criminals, every gangster arrested is treated as a potential informant for knowledge of the larger gang structure and activity. Here, too, the unique immigration law authorities bring important tools that are not available to other law enforcement agencies. The prospect of removal, while not truly punishment compared to a lengthy prison sentence, can be a powerful incentive for alien gangsters to cooperate with authorities. ICE agents also can offer certain protections to illegal alien offenders who become valuable assets on investigations, as explained in more detail below. Such tactics have been used successfully and repeatedly by ICE agents working closely with local gang units.

In addition, immigration agents can provide numerous forms of “genuine” immigration documents, such as green cards, work permits, border crossing cards, etc. for use by investigators in penetrating a specific conspiracy and nabbing criminal aliens in the process. For example, an undercover agent might provide a document to a narcotics trafficker in exchange for drugs, thereby enhancing the credibility of the agent and his ability to penetrate the conspiracy. In this case, the law enforcement agencies obtain some of the best evidence possible by providing something that the targets need and are willing to pay for, often with contraband that constitutes substantive violations of the law, while also providing intelligence on the conspiracy itself. In some cases, the targets unwittingly will provide their own biometric identification, such as a photograph or fingerprint, which serves as significant evidence against them in court.

Information contained in immigration files can be of great importance in providing evidence at bail hearings as to the defendant’s track record of failures to appear for immigration proceedings. This information can help the judge make a more informed decision about whether or not to permit a defendant to post bail.

Finally, and perhaps most obviously, immigration agents can bring about the removal of criminal gangsters from the community and have them returned to their home country. This step has profound public safety benefits, as the offenders are deported rather than recycled through the criminal justice system with

a strong likelihood of committing further crimes. In addition, state and local governments save money by reducing the case load of probation and parole services. However, ICE believes strongly that removal should not be lieu of a sentence of incarceration for the purpose of expediency, but rather should happen at the end of the sentence, so that the alien receives punishment and the criminal charges can provide the basis for removal.

### Protections Encourage Cooperation

In addition to investigative tools, the involvement of an immigration special agent can spur cooperation of informants or witnesses that might otherwise be difficult to obtain. More traditional types of incentives used by law enforcement usually involve monetary rewards or mitigating a criminal charge or punishment. The immigration law tools can supplement these methods and at times act as an even greater incentive in the case of a foreign national. For example, in the case of an MS-13 member informant, the local prosecutor’s offer of a reduction in sentence might be of some interest. But the possibility of avoiding removal creates an entirely different dynamic, especially if the informant’s assistance is suspected or known by other gang members, meaning return to El Salvador could be a death sentence. In this case, the informant would have some incentive to please the local prosecutor, but far more incentive to please the controlling ICE agent.

The following is a summary of the most effective — yet surprisingly underutilized by state and local law enforcement — immigration law incentives and protections for informants, cooperating witnesses, intelligence assets, and victims. These are listed in order from the most basic to the most powerful incentives.

**Significant Public Benefit Parole (SPBP).** This option, administered by ICE headquarters, is designed to provide victims, witnesses, and cooperators with a quasi-lawful immigration status on a temporary basis. From an administrative or “paperwork” standpoint, SPBP is considered to be one of the easiest immigration incentives to obtain on behalf of a partnering law enforcement agency. In addition, because it can be cancelled at any time by the control agent, with immediate consequences for the alien (e.g. detention with no bail), it provides law enforcement authorities with some leverage if the individual proves to be uncooperative. There is no statutory limit to the number of SPBPs that can be issued.

**Employment Authorization Document (EAD).** This document provides work authorization, so that an infor-



mant who lacks legal status may legally hold a job while the case plays out.

**S Visa.** In 1997, at the prompting of the Department of Justice and other federal law enforcement agencies, Congress recognized that alien informants presented a unique set of circumstances for which existing witness protection programs were not sufficient, and created the “S” non-immigrant visa program. The program has a statutory limit of 200 principal applicants (plus family) for criminal investigations or prosecutions and 50 principal applicants for counter-terrorism cases. Unlike SPBP, this visa provides a clear path to permanent residency and citizenship for the informant. The controlling agent may request that the S visa informant be allowed to adjust to permanent residency after a period of just one year. To prevent the handling agency from using the informant indefinitely, the individual must be granted permanent residency within three years, or the law enforcement agency must discontinue the relationship. The S visa does not require a conviction, direct testimony by the cooperator, or even that the cooperator play an active role in the investigation, but merely that he /she provide sufficient, credible information to predicate a criminal case opening.

**U Visa.** The “U” visa was created by Congress in 2000 to encourage illegal alien victims of crimes such as human trafficking, domestic violence, and certain other crimes to come forward and report their victimization without fear of removal. A total of 10,000 may be issued each year, and the visa holder is eligible to become a permanent resident after three years. Applicants must be certified by a sworn law enforcement officer, prosecutor, or judge. The victim must have suffered substantial harm, must cooperate in the prosecution of the perpetrator, and must have information that is valuable to the law enforcement agencies. While the U visa has proved beneficial in a significant number of cases, it is also vulnerable to abuse. Some local police departments have expressed concerns that individuals and advocates acting on behalf of illegal aliens have put pressure on officers to sign off on a U visa application even if it is not evident that an actual crime has occurred.

## Sanctuary Policies Protect Gangsters

Some local jurisdictions, usually in or near major cities, have faced pressure from ethnic advocacy groups to adopt policies that discourage police cooperation or interaction with ICE. Some of these policies are relatively benign, such as forbidding local officers from randomly

questioning residents about immigration status. Other jurisdictions have limited officers to making immigration inquiries only for serious and/or felony offenders. A few police departments, including New Haven, Conn. and Takoma Park, Md., have adopted policies of outright non-cooperation with immigration law enforcement that include directives to ignore administrative warrants for the arrest of illegal aliens, even though, as discussed above, the subject of the warrant may be a violent criminal. Even if the official policy allows for cooperation and/or communication with ICE in the context of criminal cases, sometimes, such as in the case of big cities like Los Angeles, Chicago, and New York, such contact is strongly discouraged by police supervisors and municipal officials.

The existence of sanctuary or “don’t ask, don’t tell” immigration policies may help explain why ICE has arrested relatively few gang members in certain cities that have serious gang problems (see Table 2 on page 12). For example, Los Angeles is widely known as the “gang capital” of the country. In early 2007, the city estimated that it had 720 gangs with 39,000 members. These gangs were responsible for the majority of the city’s murders and 70 percent of all the shootings. Several immigrant gangs were listed on the city’s “Worst Gangs” list.<sup>56</sup> Yet ICE arrested only 293 immigrant gangsters over the three-year period covered by this report, only the 10<sup>th</sup> highest total for all ICE offices. Similarly low arrest numbers were noted in Phoenix and Houston, which also had non-cooperation policies in place.

Oregon is one of four official sanctuary states. Despite the documented presence of more than 50 Hispanic, Asian, and Eurasian gangs (most of which migrated there from southern California) involved in everything from drugs to sex trafficking to homicide, interestingly, there was not a single OCS arrest in the state over the period studied.<sup>57</sup>

Non-cooperation policies can seriously hamper gang suppression efforts in jurisdictions having trouble with immigrant gangsters. Sometimes, creative ICE agents working investigations will find other partners. In the District of Columbia, where police leaders want no part of immigration law enforcement, ICE agents have worked with the National Park Service instead. In most places, however, the result of non-cooperation is that immigrant gangsters get recycled repeatedly through the criminal justice system and are continually provided more opportunity to succeed as gangsters. These policies have had disastrous outcomes recently in San Francisco, New Jersey, Los Angeles, and other places where illegal alien gangsters have committed high profile murders and other crimes, even after having multiple encounters

## Everett, Mass.: A Model Approach to Police-Community Relations

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As Chief of Police and someone who grew up in the City of Everett, Mass., I understand, respect and even embrace the diversity that exists in our community. We have always been a city of immigrants and I have strived to provide the best possible police service to all residents regardless of their immigrant status. I also believe we are a land of laws and rules which exist to provide order within our communities. . . .

My approach has been to treat all people with respect and decency, regardless of their status. An individual's immigration status does not usually come into play unless there is some kind of contact between law enforcement and a criminal act. This contact may range from minor motor vehicle infractions such as an unlicensed operator to more serious cases such as rape, robbery and/or murder. An individual's immigration status is relevant once they are taken into custody for a criminal offense. Our personnel are allowed to use any and all law enforcement related databases to determine who an individual is, especially when they do not have identification. Improvements in live scan fingerprint systems have given us almost instant feedback on someone's identity once they are in our custody. Our current policy . . . clearly states we will not randomly stop people for the sole purpose of ascertaining immigration status. In addition, our policy does not allow officers to take into consideration one's immigration status if one is a victim of a crime. On the other hand, our policy indicates that we will cooperate with ICE if it serves the public safety interests of our city. Clear policy items such as these need to be conveyed to the community at large and can be used to create a better environment for police-community relations.

The approach we have taken to improve police-community relations among the new immigrant populations has been to recruit and retain officers that reflect the make-up of the community. This includes officers who speak needed languages, to assist victims and others that they may encounter during the course of their duties. In addition, we have trained large groups of officers to speak both Spanish and Portuguese. Both of those actions have had a positive impact for the community as a whole and for our department.

We have conducted department-wide training to better prepare our officers and educate them on cultural issues based on members of the community, in particular the Brazilian and Haitian populations.

We continue to meet with and have open dialogue with immigrant group leaders and activists on issues of concern as the need arises. In the past, these meetings have included representatives of the ACLU.

We have recruited members of the community to participate in our crime watch groups, as well as sponsored community outreach efforts where representatives of the U.S. Immigration and Customs Enforcement Agency have been allowed to speak with and present their role and priorities to immigrant group leaders and representatives.

The cumulative effect that all of this has had on our community has been positive. We regularly have members of various immigrant groups cooperate and report crime and suspicious activity to us. Immigrant groups have readily confirmed that they do not want individuals from their own groups terrorizing them and have indicated that they should be reported to ICE when they are involved in serious criminal activity. The feedback we receive from our quality assurance program has been overwhelmingly positive. This is feedback obtained from random encounters that our officers have had with individuals at motor vehicle stops as well as calls for service.

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Excerpt from statement of Chief Steven A. Mazzie, provided to Jessica Vaughan in March 2008.

with local law enforcement agencies who did not inquire about, much less act on, the offenders' immigration violations.

Some of the non-cooperative cities have begun to concede the public safety value of removing immigrant gangsters, and have taken small steps in the other direction, such as by targeting the most serious immigrant offenders who can be identified in prisons and jails. For example, in December 2007 the Los Angeles County District Attorney's Office, in partnership with the local U.S. Attorney and ICE, began a program to prosecute and remove incarcerated immigrant gangsters

who have been previously deported.<sup>58</sup> Such programs are commendable because they prevent the release of some gangsters back to the streets, but are not as effective as investigative programs like Community Shield, which aim to remove gangsters before they commit additional crimes, and to disrupt and dismantle gangs.

### The "Chilling Effect" Myth

Police chiefs and political leaders in so-called "sanctuary" or "don't ask, don't tell" jurisdictions typically justify these measures by asserting that an active relationship with ICE will damage relations with immigrant com-

### Dalton, Ga.: Enforcing the Law Appropriately Builds Trust

The best way to build trust and cooperation with the immigrant communities is for law enforcement officers to enforce the law compassionately and constitutionally. Law enforcement officers should be working to provide tips and guidelines on how not to become a crime victim, regardless of one's immigration status. . . .

Local law enforcement agencies should educate themselves on immigration law as well as develop partnerships with ICE. Immigration law is very complex and can drain valuable resources from local agencies unless they have a clear understanding of their role in its enforcement. Partnerships with ICE agents will help make communities safer because they are focused on criminal aliens that are causing most of the problems. . . .

I would add that cities and counties are exacerbating the immigration problem by creating solutions such as municipal identification cards independently of the agency (ICE) that is charged with enforcement of the immigration laws. There are enough laws currently on the books. Law Enforcement has an obligation to learn what they are and enforce them accordingly. This is what citizens expect us to do.

Excerpt from statement of James D. Chadwick, recently retired Chief of the Dalton, Ga., Police Department, provided to Jessica Vaughan in March 2008.

munities and cause immigrants to refrain from reporting crimes or assisting with investigations. This attitude is encouraged by certain influential national organizations, including the Major Cities Chiefs Association and the International Association of Chiefs of Police. The mayor and police chief of Providence, R.I., recently invoked “the chilling effect” argument to defend their city’s failure to make use of ICE’s Law Enforcement Support Center to screen arrested aliens. In 2008 this policy resulted in the release of an illegal alien offender wanted by ICE, who has since been accused of kidnapping and raping a local woman in a public park. Similar high profile incidents, where illegal aliens with criminal records or immigration warrants are released and go on to commit additional or worse crimes, occur around the country with alarming regularity, including the murder of a police officer in Scottsdale, Ariz.; the slaying of three Newark college students in a school yard; and the death of two Virginia Beach teenagers caused by an illegal alien drunk driver.

The origins of the “chilling effect” theory are unclear, and hard evidence of the phenomenon is non-existent in crime statistics, social science research, or real-life law enforcement experience. In fact, immigrants reporting crime are one of the main ways ICE launches investigations against criminal aliens — especially in gang cases. One veteran immigration agent told us, “During my 27 years of experience, 99 percent of our information and leads came from the alien community, either because they had been a victim of crime or had been denied work.” While rumors abound of illegal aliens who allegedly refrain from reporting crimes out of fear of deportation, we could find no substantiated cases of crime victims who were removed as a result of having reported crimes to authorities unless the victims turned out to be criminals as well.

On the other hand, local law enforcement agencies need to be aware of when they should contact ICE about crime victims — not for the purpose of removal, but to access the various special protections available to victims, witnesses, and informants under immigration law (listed above). Agencies who shun contact with ICE are denying themselves and victims the opportunity to take advantage of these provisions. For example, someone who is a victim of a gang crime (or any crime) who happens to be an illegal alien might be needed to testify or otherwise assist in the prosecution of the criminal. If the alien lacks status, he is subject to removal at any time. To ensure that does not happen, the local agency should seek ICE’s help in arranging special status, temporary or otherwise, until the case is resolved. Common sense suggests that these tools represent a much more powerful way to encourage cooperation from the immigrant community than non-cooperation or sanctuary policies.

The most authoritative statistics on crime reporting fail to support the “chilling effect” theory. First of all, non-reporting of crime is a problem throughout the country and across racial and ethnic lines. According to the Bureau of Justice Statistics (BJS) surveys on crime victimization and reporting, only about 50 percent of all crimes are ever reported to police. Furthermore, Hispanics are actually slightly more likely than non-Hispanics to report crimes. For example, in 2005, the most recent year available, Hispanics reported 51 percent of all violent crimes to police, while non-Hispanics reported 47 percent.<sup>59</sup> While the Hispanic cohort is not a perfect proxy for immigrants, if immigrants as a group truly were less likely to report crimes than the native population, it would be apparent in these statistics, because Hispanics are significantly more likely to be immigrants than non-Hispanics.

What little social science research that has been done on this topic is based on relatively small sample surveys and field interviews. It concludes that immigrants might report crimes less often than the general population, but there is no consensus on whether that applies to all immigrants or illegal immigrants in particular. A widely cited study by researchers Robert C. Davis and Edna Erez tested several factors that would cause immigrants not to report crime, and found that the type of crime (domestic violence vs. other crimes) was the only significant predictor (as opposed to educational level, nationality, immigration status, or ethnicity) to reporting crime. In a later study, Davis and Erez found

that “the most frequently mentioned hardship faced by immigrants in reporting to the police was language (47 percent). Cultural differences were also frequently cited (22 percent), as was lack of knowledge of how the U.S. criminal justice system works (15 percent). Less commonly cited reasons included fear of authorities and or deportation (10 percent), fear of retaliation (3 percent), and the belief that the criminal justice system is not responsive to the needs of immigrants (3 percent).”<sup>60</sup>

Most local law enforcement officers interviewed for this study believe that there is some reluctance among illegal immigrants to report crimes, usually resulting from distrust of authorities in their home country. But rather

**Table 4. Notable Features of Virginia’s Anti-Gang Laws**

- Prohibit street gang participation, with harsher penalties for offenders over 18 in some instances.
- Criminalize gang recruitment and gang hazing by juveniles and adults.
- Criminalize use of force or threats against a person (or his/her family) to join, participate in, remain in, or submit to demands of a gang.
- Affirm local authority to arrest illegal aliens with prior deportations for felonies, and allow officers to obtain warrants to hold aliens for 72 hours, until ICE takes custody.
- Create presumption against bail for gang crimes and illegal presence.
- Enhance penalty for 3rd “strike” or violation of gang participation or recruitment statutes.
- Mandate creation of statewide gang database.
- Allow for forfeiture of gang assets used in furthering crime and recruitment.
- Make it a felony to intimidate any witness, judge, lawyer, or other judicial personnel in a gang-related proceeding.
- Establish multi-jurisdictional grand juries to prosecute gangsters.
- Require pre-sentence report for gangsters.
- Require all jails to determine citizenship of inmates and seek federal grant for incarcerating criminal aliens.
- Prohibit illegal aliens from possessing any type of firearm.
- Add machetes to list of prohibited concealed weapons.
- Allow for state-level RICO prosecution of gangs.
- Allow wiretaps for gang investigations.
- Mandate reporting to schools of juveniles alleged to have committed gang crimes.
- Punish gang activity within 1,000 feet of a school zone, on school grounds, and on school buses.

than deprive officers of their ability to work with ICE, many jurisdictions have found other effective ways to encourage crime reporting by immigrants (see sidebars above). These include obtaining language training for officers, recruiting police officers with backgrounds that reflect the local population, and outreach programs. One key element in maintaining positive community relations is reinforcement of the message that victims and witnesses are not the targets of immigration law enforcement.

## Case Study: Virginia

### Northern Virginia Gang Task Force Model

The successful gang-fighting strategy adopted by local leaders and law enforcement agencies in Northern Virginia is a model for other jurisdictions, and a convincing example of the value added by ICE participation in gang suppression. In 2003, responding to a rapid escalation of gang-related crime that followed the migration of MS-13 from Los Angeles to the Northern Virginia suburbs, including offenses ranging from graffiti, vandalism, and theft to gruesome assaults and murders, area law enforcement agencies and officials created and funded a multi-jurisdictional task force to address the problem. Combining assertive gang suppression and law enforcement with prevention and intervention efforts, the task force has helped bring about a significant drop in crime and is widely considered to be a model program. In the first four years, members of the task force made more than 2,000 arrests, including 820 felony arrests, and confiscated more than 200 weapons. Area leaders report that violent gang crime decreased by 35 percent in Northern Virginia as a result.<sup>61</sup> The largest jurisdiction, Fairfax County, reports evidence of waning gang membership and decreases in both general crime and gang crime, with gang crime decreasing more rapidly.<sup>62</sup>

The Northern Virginia Gang Task Force (NVGTF) has created an environment in which all statutes, jurisdiction, authorities, skill sets, intelligence, and even informants come together in one unit with the goal of disrupting and dismantling an identified priority conspiracy. The task force's success is attributable to a number of ingredients, including a sizeable infusion of federal funding steered toward it by Rep. Frank Wolf, a U.S. Congressman representing a large part of Northern Virginia; attention to prevention and intervention efforts as well as suppression; extensive community outreach, especially through the schools; enactment of state laws to address gang-specific activity; and the creation of a multi-jurisdictional special gang prosecutor and grand jury with access to the full range of federal and state

prosecutorial tools. The most important features of the Virginia gang statutes are summarized in Table 4.

One key factor has been the involvement of immigration law enforcement agents as full partners in the task force work. ICE assigned one special agent to the task force on a full-time basis and other ICE agents participate regularly in operations as needed. Yet another ICE agent was assigned to work with the Fairfax County Police Department gang unit. ICE involvement has been validated by NVGTF statistics showing that a very significant share of the gangsters arrested were referred to ICE — somewhere between 25 and 40 percent.<sup>63</sup> Estimates by gang investigators of the share of local gangsters who were removable aliens ranged from 25 to 90 percent, depending on the jurisdiction.

Local law enforcement officers across the state interviewed for this project unanimously reported having a constructive relationship with ICE that they valued and felt contributed enormously to the success of their anti-gang efforts. Police officers and sheriff's deputies in the region reported that ICE agents responded very promptly to their requests for assistance: "They have never turned us down . . . or backed out," said Lt. Ron Haugsdahl, who heads the task force. In addition, local officers reported that having the immigration law tools at their disposal vastly increased the gang units' effectiveness, and that information sharing benefited both local and federal agencies.

The collaborative approach has obvious benefits for ICE as well. ICE can never hope to make a significant dent in the illegal alien population, especially the criminal alien population, without the assistance of state and local law enforcement agencies. This is true in part because of resource and staff limitations, but also because of the difference in how the law enforcement agencies operate. ICE agents typically work a standard business day, Monday through Friday. Local law enforcement agencies have their finger on the pulse of crime and safety problems in their community 24/7, operating on shift routines and mounting surge efforts in high crime areas when necessary.

### Co-Location Is Key to Task Force Success

Having a central office with full-time staff and officers from various jurisdictions assigned to work there has been another important factor in the success of the Northern Virginia Gang Task Force. Working out of the same location quickly breaks down any walls of skepticism or distrust that may exist between agencies, and turf considerations tend to fall by the wayside in favor of common goals. Conversely, task forces that operate

without co-location often unravel quickly and result in only the occasional interaction and communication, such as a specific surveillance, drug buy, or wiretap.

The INS participated in various task forces that were formed as part of the national “wars” on crime and drugs, including Violent Gang Task Forces (VGTF) and Organized Crime Drug Enforcement Task Forces (OC-DETF), that were steps in the right direction. The newer High Intensity Drug Trafficking Area (HIDTA) Task Forces, which the Northern Virginia Gang Task Force is slated to join, are a dynamic improvement over both. The first HIDTAs went into operation in 1990. They may be the first federal-led task forces in which co-location is the rule, rather than the exception. While state and local LEAs have long been attracted to the federal task force concepts by the promise of abundant federal funds for overtime, vehicles, and asset sharing, the HIDTA/NVGTF co-location model ensures that officers at all levels will collaborate in a meaningful fashion, with maximum participation that extends to shared management with state and local representatives.

MS-13 is a legitimate HIDTA target. While MS-13 and other alien gangs are not usually large quantity, wholesale distributors of narcotics, which are the typical targets of a HIDTA, they do engage in some retail distribution in order to generate revenue for themselves and the gang. More importantly, like the Jamaican posses that operated during the crack epidemic, violence is an accepted and management-endorsed business practice.

One remaining obstacle to effective full-fledged cooperation and maximum efficiency is the lingering rivalry between the FBI and ICE, which pre-dates the formation of ICE out of the INS in 2003. The FBI-led HIDTAs and gang task forces appear to have little coordination with ICE’s Operation Community Shield, despite some obvious geographic and functional redundancy. ICE gang investigators in various SAC offices around the country report that they have little contact with the FBI on gang issues. The inefficiency of this parallel effort echoes the situation with ICE’s Document and Benefit Fraud Task Forces. Formed in March 2006, these include a number of federal agencies, but not the FBI, reportedly because the FBI conditioned its participation on changing the name of the task forces to Identity and Benefit Fraud Task Forces, to assert FBI jurisdiction and leadership. It is generally agreed by veterans of different federal law enforcement agencies that the FBI historically has been the federal agency least likely to join with other LEAs, unless the FBI is in control and the other participants agree to be the junior partners.

### Problems in Areas with Little ICE Coverage

Criminal alien gang activity has increasingly moved beyond urban areas to the suburbs and countryside. In 2003, for example, the Virginia Gang Investigators Association noted an escalation in gangs and gang violence in the state. They reported that Hispanic gangs had increased the most, driven by the growth of MS-13. Gang investigators in the western Shenandoah Valley saw gang membership grow from about 100 in 2005 to about 450 in 2007, with about one-fourth of the membership identified as illegal aliens, mostly associated with Surenos-13, a California-based Hispanic gang.<sup>64</sup> This growth is due to several factors, including the success of gang suppression efforts in Northern Virginia, a growing immigrant population working in agriculture and manufacturing jobs, and the presence of established drug distribution networks in certain areas (the Shenandoah Valley is known as the “methamphetamine capital” of the eastern United States).

We noted significant challenges in alien gang suppression efforts in the areas of Virginia that are farther away from the ICE field offices, compared with the more populated Northern Virginia region, where ICE has a large office. These problems are reported by LEAs in other parts of the country as well. Rural LEAs generally were aware of the possibility that a significant number of immigrant gangsters in their jurisdiction might lack legal status, but were not as familiar with how to evaluate identification documents, how to obtain confirmation of status, how to use ICE’s Law Enforcement Support Center (see below), or how to work with the regional ICE office. Virginia law enforcement agencies share information through a state-wide gang database, but information on alienage or status was not collected, preventing an accurate assessment of the true scale of the illegal-alien gang problem. A shortage of detention space to hold removable aliens is also a problem in parts of the state that have seen rapid population growth. Many local officers have had little contact with ICE or awareness of ICE mission priorities and resource limitations. At the same time, they often expressed frustration that ICE often did not seem interested in or capable of taking custody of illegal aliens, even criminal aliens. This frustration sometimes bred complacency and cynicism about immigration law enforcement in general.

In 2007, the Virginia Sheriffs Association surveyed its members regarding their relationship with ICE. Of the 63 offices that responded, 30 percent did not inquire as to the immigration status of individuals in custody. These included rural, suburban, and small city jurisdictions. A significant number of the 42 offices re-

porting that they had notified ICE of illegal alien criminals expressed frustration that ICE did not respond or did not act on the information. They reported being told that the agency can respond only in the case of felons or large numbers of offenders. One sheriff reported that the office needed to transport detained aliens to the opposite side of a toll bridge for ICE pick-up because ICE had no money for tolls. Others expressed understanding that that the ICE field offices are stretched thin relative to the size of the criminal alien population in Virginia.

During hearings conducted in 2007 by the Virginia State Crime Commission to consider legislative options to address illegal alien crime in the state, the Special Agent in Charge of the ICE office that covers Virginia, William Reid, acknowledged that his agents cannot possibly handle the job of taking into custody every illegal alien encountered by local law enforcement officers. He told the commission that ICE policy was to deal with “the worst of the worst,” meaning the most serious criminal aliens or those who pose the greatest threat to public safety. Reid also noted that the agency recently had made it a priority to expand its work with sheriffs and corrections agencies to improve identification of incarcerated removable aliens through the special ICE programs focused on criminal aliens.

### Solutions

Most federal, state, and local officers and officials interviewed believed these problems could be addressed through additional resources for ICE, better communication on the part of ICE, more training for the local agencies on immigration issues, more uniformity statewide on how to handle criminal aliens, additional detention capacity, and more effective use by local LEAs of the tools available to help overcome ICE’s limitations. One step in this direction is a new state law (the result of the aforementioned Crime Commission study and recommendations) requiring all jails and prisons in Virginia to screen inmates for immigration status, to notify ICE of incarcerated criminal aliens, and to keep track of the information. The Commission also recommended that the state build additional detention space to avoid releasing criminal aliens (which would be reimbursed by ICE) but the legislature did not approve; some critics called the idea an “immigrant concentration camp.”

Law enforcement agencies in Virginia are now routinely using ICE’s Law Enforcement Support Center (LESC) to check on the status of non-citizens who are arrested or under investigation. The LESL is staffed by ICE agents and technicians who take calls and electronic queries from law enforcement agencies around the

country at all hours. Electronic queries can be submitted through NLETS, the standard police communication system. LESL technicians can verify legal status of immigrants, uncover prior immigration law violations, criminal histories, or other immigration-related information of value to law enforcement, including suspected gang involvement. The system contains about 6,000 lookouts on MS-13 members alone. Eighty-five percent of queries receive a response within 15 minutes. The automated search is much faster and more efficient than calling an ICE agent in the local office. In addition, LESL agents can place an immigration “detainer,” or hold, on an individual, enabling the local LEA to keep the offender in detention until ICE can take custody. Last year, the LESL placed detainers on about 600 criminal aliens in Virginia, and 20,000 criminal aliens nationwide.

Recognition of ICE resource and staff limitations has led some Virginia LEAs to find independent ways to address the immigrant gang problem and other local public safety issues that have an immigration connection. In at least one rural part of the state, the state police narcotics and gang special agent assigned to the area serves as an informal liaison between local police officers and ICE. In addition to working gang investigations, he has developed expertise in immigrant gangs and is in a position to help local police navigate the issues and coordinate with ICE appropriately.

Rockingham County, in the rural western part of the state, where at least one-fourth of the known gang members are illegal aliens, has gone even further. The county is a two-hour drive from the ICE office in Northern Virginia, and is not part of the Northern Virginia Gang Task Force. It had a small ICE office, but the agent could focus only on aliens who had committed felonies and/or were jailed.

Local police and prosecutors believed strongly that using immigration law enforcement only for removing illegal alien gangsters already in jail was not enough, particularly in dealing with burgeoning gang problems. Ordinary gang members generally cannot be arrested before they commit a crime, but illegal alien gang members are already in violation of federal immigration law. Based on all they know about how gangs operate and how members behave, investigators believe that every gang member on the street is a crime waiting to happen, and a ticking time bomb in terms of public safety. As Rockingham County Detective Chris Rush said, “Why should we have to wait for an illegal alien gangster to commit a felony before ICE will come for him, when over in Fairfax County [where ICE and the gang task force are located], they can be picked up and removed just for being illegal?”<sup>65</sup>

The solution for Rockingham County was to join ICE's 287(g) program. This program provides state and local officers with training in immigration law, access to ICE databases, and authority to enforce immigration law under the supervision of an ICE agent. While local law enforcement officers in many jurisdictions have the authority to make arrests for immigration law violations,<sup>66</sup> only ICE agents and specially trained local officers can enforce the laws by launching the removal process. Under the 287(g) program, trained local officers can determine the status of suspected criminal aliens and initiate the removal process, in accordance with local public safety needs and priorities. As of July 2008, a total of 55 jurisdictions in the country had obtained 287(g) training and authority, and about 80 were on the waiting list. While ICE prefers to work with correctional institutions, some local agencies, such as Rockingham County and Framingham, Mass., have succeeded in gaining approval for 287(g) programs to support gang suppression efforts.

Other options exist for those jurisdictions that have immigrant gang problems but that may not need or want the full delegation of enforcement authority. A few ICE SAC offices, including D.C./Virginia, Boston, St. Paul, and Phoenix have provided introductory immigration law training to local police forces, sheriffs, district attorneys, probation and parole officers, or other agencies that encounter significant numbers of criminal aliens. This training is useful, because it provides LEAs with basic familiarity with documents, types of status, the removal process, how to work effectively with ICE, avoiding pitfalls such as racial profiling and rights violations, and so on. A number of jurisdictions, including Kentucky, Georgia, and Alabama, have hired private companies with expertise in immigration law enforcement to provide this training on the state level, and federal DHS or DOJ grants might be used for this purpose.<sup>67</sup> Hundreds of local officers have also taken advantage of a new and free distance-learning course funded by the Department of Justice.<sup>68</sup>

## Conclusions

Gaps in immigration policy and enforcement still exist that complicate even the best efforts to disrupt transnational gang activity. Most importantly, while there have been improvements, stronger border security measures are needed to prevent the arrival of new illegal alien gangsters from Central America, where perhaps hundreds of thousands of fellow gang members reside. MS-13 gangsters in particular are very mobile and are connected to alien smuggling networks, so deported gang members

sometimes have been able to return to the area in short order — one gangster removed from Virginia after serving time made his way back in about a week. According to ICE investigators, some gangsters start planning their return while still locked up in the United States. Without better border control, the public safety gains from Operation Community Shield will be as fleeting as those from late 1990s, when the gang members who were removed soon returned.

The good news is that ICE and federal prosecutors are collaborating more often now to bring re-entry charges against those who return after being deported. These charges, which routinely bring five to 10 years in a federal penitentiary for a gangster with prior felony convictions (the law provides for up to 20 years), are a useful tool to take some immigrant gangsters off the street, and officials are hopeful that the prospect of prosecution for re-entry will deter some from returning.

Second, while interior enforcement efforts have increased noticeably in recent years, the funding and staffing of ICE remain inadequate to the huge scale of the illegal alien and criminal alien problem. ICE currently employs about 11,200 investigative special agents and enforcement (removal) agents to deal with a population of more than 11 million illegal aliens, and hundreds of thousands of criminal aliens. Removals have increased significantly, and the agency is beginning to make a dent in both the fugitive illegal alien and the criminal alien populations. In addition, ICE has recently restored workplace enforcement to its list of top priorities, undertaking significant initiatives targeting some of the most egregious employers. But as long as the border and ports of entry remain porous, and as long as illegal aliens can get jobs, benefits, bank accounts, and identification documents (however insecure), the population of illegal aliens in general and criminal aliens will not decline noticeably. ICE's stated policy of tackling "the worst of the worst" leaves a lot of the worst still cycling through the streets and the jails, at considerable cost to state and local government.

Any steps taken at the federal level to enhance border security, deter illegal settlement, and cause illegal aliens to return home will indirectly help with the immigrant gang problem. In addition, some specific steps can be taken at the federal level to directly aid immigration law enforcement directed at gangs:

**Provide Stable and Adequate Funding for ICE Operations.** Congress must continue to provide ICE with adequate funding to sustain Operation Community Shield. It was launched without designated funding, but recent moves by Congressional appropriators have raised



concerns about ICE's ability to sustain such programs. For example, appropriators in the U.S. House of Representatives this year moved to severely limit the types of enforcement operations ICE can undertake. The House version of this year's appropriations bill seeks to force ICE to focus only on illegal aliens who have been convicted of "dangerous" crimes. Such restrictions would leave state and local gang units in the lurch and without assistance from ICE until gangsters are convicted of such crimes of murder, rape, assault, etc. In addition, they would shield green card-holding criminal gangsters from ICE action.

**Deny Immigration Benefits to Gangsters.** Few provisions exist in immigration law to bar gang members from obtaining U.S. residency or relief from removal, unless they have been convicted of an aggravated felony. Congress has considered several measures in bills that would add criminal street gang activity to the list of offenses making an alien inadmissible or ineligible for status, or subject to mandatory detention while in removal proceedings. Some of these proposals were casualties of the comprehensive immigration reform bill rejected by Congress in 2007 (the same bill that would have provided amnesty to illegal alien gang members who promised to leave the gang). In August 2007 the White House directed the State Department and DHS to expand the list of transnational gangs whose members can be (not must be) barred from entry. This is a good thing to do, although it is unclear if it has ever been implemented, or how extensively it can be applied in practice.

Some immigrant gangsters came to this country with their parents as illegal aliens and eventually received legal status as their dependents. Immigration law is constructed so that it is very difficult to deny a green card to an individual who is sponsored by a family member, even if the beneficiary has committed crimes. Other gang members have been able to avoid removal because they qualify for the blanket temporary protected status (TPS). TPS applicants are not required to meet the "good moral character" standard required for most forms of relief. In one particularly striking case, a judge in Massachusetts blocked ICE efforts to remove a Salvadoran MS-13 member who had been convicted of relatively minor crimes, noting that because of his nationality and date of illegal arrival, the offender was eligible for TPS, even though he had not applied for it. ICE did get a second chance, as the gangster later participated in one of the most horrifying crimes in the Boston area at the time, the gang rape of two deaf girls in a public park, one of whom had cerebral palsy and was in a wheelchair.

**Create a National Gang Database.** Transnational gangs are inherently mobile, and their activities cross jurisdictions; in addition, gang investigators have observed that crackdowns in one area will cause gangs to relocate, increasingly to areas with little prior experience with transnational gangs. Law enforcement efforts would be greatly enhanced if information on gang members could be shared through a national database, as has been proposed in several bills pending before Congress,<sup>69</sup> and is the plan of the FBI's National Gang Information Center, which aims to become a law enforcement clearinghouse.<sup>70</sup> This database needs to include information on alienage and immigration status so that local officers and federal agents can be alerted to the possibility of immigration charges, particularly felonious re-entry, or the need to be coordinating with ICE. As of September 2008, progress on the database was stalled for technical reasons.<sup>71</sup>

**Preserve 287(g) Option for Gang Task Forces.** Congress should authorize and direct ICE to support 287(g) agreements that are for officers on task forces or functional units, as well as the correctional models. ICE's stated policy has been to give preference to correctional agreements, and in 2008 U.S. House appropriators moved to limit use of the program to correctional settings, but this would unnecessarily deprive interested jurisdictions of the opportunity to use the program for gang suppression or other programs suited to local needs.

**Provide Incentives for Local LEA Involvement.** Congress should create and fund a program enabling ICE to support local gang suppression, fugitive operations, and even traffic laws that target transnational gangs and yield significant numbers of criminal alien arrests. Such a program could draw on elements of other successful multi-jurisdictional cooperative law enforcement programs, such as the Office of National Drug Control Policy's HIDTA Program (\$250 million appropriation in 2008), the Border Patrol's Operation Stone Garden (\$60 million appropriation in 2008), and the FBI's Safe Streets Program. The aim would be to encourage the participation of state and local LEAs to utilize their state and local authorities in a way that also serves ICE mission priorities by leading to the arrest and removal of criminal aliens. Put more simply, Congress should give ICE money to pay local LEAs — with cash for overtime, vehicles, equipment, and asset-forfeiture sharing — to use their own laws to arrest illegal alien gangsters, and then remove the aliens when they do. Local gang statutes, day labor ordinances, and even traffic laws come in handy for this purpose. Such a program would help overcome one excuse commonly offered by local police

forces that shun involvement in immigration law — “it would drain our resources.”

**Require More Jails to Use the LESC to Notify ICE of Incarcerated Aliens.** Ideally, every illegal alien who is arrested for gang or other crimes should be held until he or she can be removed. Some prisons and jails have either ICE agents or 287(g)-trained officers assigned to do the screening on a systematic basis, but most do not. Surprisingly few local law enforcement agencies are aware of the LESC and how it can be used. Until ICE develops an automated screening and notification system for jails, as is the long-term plan, it should create an incentive for jails to use the LESC, rather than faxing or telephoning lists, as is currently the practice in some areas, and which is usually ignored by ICE. One appropriate mechanism would be the Department of Justice’s State Criminal Alien Assistance Program, a grant program that partially reimburses state and local jurisdictions for the cost of incarcerating criminal aliens. Grantee jurisdictions all should be required to show that they notified ICE automatically via the LESC at the time the alien was booked, giving ICE an opportunity to put a hold on the offender. In this way, ICE would have the information to collect more criminal aliens for removal, and fewer criminal aliens would be released back into American communities. In addition, ICE should make more of an effort to inform state and local law enforcement agencies about the LESC.

**Prevent Illegal Employment.** Measures to prevent the hiring of illegal aliens, including electronic work authorization screening (E-Verify)<sup>72</sup> and a robust worksite enforcement program with sanctions against employers of illegal workers, will complicate life for illegal alien gangsters while disrupting illegal settlement in general.

### State and Local Laws Make a Difference

We asked the former sheriff of one large Nevada county that has serious problems with immigrant gangs why he had not sought to have the illegal alien gangsters removed from the community. His reply: “It’s ICE’s problem — if they aren’t going to come for them, why should I care?” While it is true that the U.S. Congress and federal agencies play the leading role in immigration policy and enforcement, state and local governments can and should participate in the identification and removal of criminal aliens. Removing those criminals who have no permission to be here in the first place can only enhance public safety and reduce the workload for local law enforcement. But ICE does not have and probably

never will have the capacity to deal with each and every removable gangster or immigrant criminal on its own. It is simply too large a task for one agency, and too expensive. According to ICE’s formal plan for identifying and removing criminal aliens, known as the Secure Communities Initiative, it will take three and one-half years and one billion dollars just to keep up with the most serious offenders (those serving time for murder, robbery, rape, kidnapping).<sup>73</sup>

This process would be greatly accelerated by the adoption of state and local policies and laws that funnel more immigrant gangsters toward removal. These policies, some of which are described in more detail in the body of the report, are summarized in Table 5. They include best practices for local agencies and also participation in established ICE programs. The options fall along a spectrum of possible levels of involvement in immigration law, from simply encouraging or requiring officers to work cooperatively with ICE or to contact ICE about the status of aliens who commit crimes, to full delegation of authority to enforce immigration law, depending on the needs, interests, and public safety issues in individual jurisdictions.

Local policies do make a difference. Consider the case of Milton Calderon-Menendez (age 25, citizen of El Salvador), who was arrested in March 2008, by the Prince William County, Va., gang unit. Following procedures put in place just weeks before, Prince William police checked his immigration status and learned that Calderon was an illegal alien. The policy also requires them to notify ICE, which promptly put a hold on Calderon so that he would be held pending immigration charges, and would not be released (under Virginia law, illegal aliens are presumed to be ineligible for bail). As it turned out, Calderon had been arrested nine months before in Montgomery County, Md., about 40 miles away, for punching a 15-year old in the face. Calderon had admitted to Montgomery police that he was a member of MS-13. However, that department’s policy is to not inquire about immigration status. Montgomery County released Calderon on \$2,500 bail and told him to return a month later for trial. He did not. About three days after his scheduled trial, Calderon and a friend assaulted the friend’s roommate — the friend beat his roommate in the head with a baseball bat while Calderon stabbed him in the chest. It was after this attack that Calderon was arrested in the neighboring state of Virginia.

State and local cooperative policies that are limited to removing only jailed gangsters, as in Los Angeles County, or focused only on those who have committed felonies, as in many large cities, are better than sanctu-

Table 5. Immigration Policy Options for Local Law Enforcement Agencies

**Best Practices**

- Accept only legitimate, verifiable identification documents, such as state drivers licenses, passports, and federally issued immigration documents (not consular cards or locally issued municipal IDs).
- Utilize mobile fingerprinting devices such as LiveScan to fix identity.
- Obtain basic immigration law training for all officers.
- Determine immigration status of all foreign-born individuals in custody or under supervision, usually through Law Enforcement Support Center, using NLETS, ideally after FBI/IAFIS criminal check. The DHS plan is to ultimately link the NCIC check with an immigration records check.
- Serve all immigration warrants, both criminal and administrative.
- Work out procedures with local ICE office for notification on criminal aliens, priorities for enforcement, transport issues, etc.
- Include information on immigration status in all databases created and used by LEAs.
- Hold illegal and criminal aliens without bond until ICE has opportunity to take custody.
- Enforce state statutes on identity theft/fraud, gang activity, human smuggling, illegal employment and labor, business licensing, tax compliance, financial crimes, organized crime, zoning, traffic and vehicle safety.
- Implement a community outreach program to explain public safety objectives, reinforce message that crime victims and witnesses are not targets of immigration enforcement, and encourage cooperation from all residents.

**ICE Programs**

- Law Enforcement Support Center – A 24/7 operation to answer queries from LEAs regarding status of non-citizens in custody or under investigation. ICE special agents are on duty and can put detainees or holds on illegal aliens. See <http://www.ice.gov/partners/lesc/index.htm>.
- Criminal Alien Program – ICE agents assigned to jails/prisons to screen immigration status of inmates and begin removal process. See <http://www.ice.gov/partners/dro/cap.htm>.
- 287(g) Training and Delegation of Authority – Local officers receive advanced training in immigration law, with access to ICE databases and authority to begin removal process on illegal and criminal aliens under supervision of ICE and according to local priorities. See [http://www.ice.gov/partners/287g/Section287\\_g.htm](http://www.ice.gov/partners/287g/Section287_g.htm).
- ICE ACCESS – A range of alternatives for cooperative programs worked out with local ICE office, including task forces and training. See <http://www.ice.gov/partners/dro/iceaccess.htm>.
- Document and Benefit Fraud Task Forces – Local or regional task forces focusing on investigation of identity fraud problems, often leading to major operations targeting organized document rings that serve criminal clientele and against egregious illegal employers, frequently involving sensitive locations and/or exploitative conditions. See <http://www.ice.gov/pi/news/factsheets/070301dbfi.htm>.
- Fugitive Operations – Agents identify and remove individuals (mainly criminals) who have defied removal orders. See [http://www.ice.gov/pi/news/factsheets/NFOP\\_FS.htm](http://www.ice.gov/pi/news/factsheets/NFOP_FS.htm).
- Forensic Document Laboratory – Assists LEAs in examination and analysis of foreign and domestic documents. Produces guide to U.S. travel and identity documents. See [http://www.ice.gov/pi/news/factsheets/fdl\\_fs\\_080304.htm](http://www.ice.gov/pi/news/factsheets/fdl_fs_080304.htm).

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ary policies, but not likely to be as effective at disrupting transnational gang activity as a deeper cooperative approach to target all illegal alien gang members. In addition, states should follow the lead of Arizona, Georgia, Colorado, Virginia, Utah, and other local jurisdictions that have sought to supplement ICE's enforcement operations with strong state laws that address crimes related to illegal immigration. This offers the opportunity for state prosecution as well as federal prosecution.

As noted above, Virginia strengthened its anti-gang laws with several provisions aimed specifically at immigrant gangs, such as mandatory citizenship screening, affirming local authority to arrest certain illegal aliens, and a presumption against bail for illegal aliens. Other states have focused on anti-smuggling laws. County prosecutors in Arizona have brought hundreds of smuggling cases, not only against the smugglers, but also against the illegal aliens who contracted to be smuggled, and the travel agencies, landlords, and other businesses that participated. Colorado created a special unit within the state patrol to improve highway safety by interdicting alien smugglers using unsafe vehicles, driving recklessly, or otherwise endangering the public. The Sheriff's Office in Santa Rosa County, Fla., addresses identity fraud and

illegal employment problems by using workplace inspection authorities provided under state identity theft laws. In all of these cases, the crimes are most often prosecuted at the state level, but the convictions can provide the basis for federal immigration charges leading to removal. Even if ICE does not have the capacity to collect all the offenders for removal, there still are strong indications that the measures have induced many illegal residents to leave on their own.

Finally, states and localities should adopt policies and laws to discourage illegal immigration in general, so that fewer foreign criminals and potential criminals have the opportunity to settle here at all. These include requiring employers to verify the status of workers, barring illegal immigrants from public benefits, and discouraging the creation of sanctuary jurisdictions. Those jurisdictions that have implemented such measures have seen their illegal population shrink. Such state and local policies will play an increasingly important role in reducing the illegal population in the coming years, as immigration law enforcement at the federal level is not likely to be as high a priority for the next administration, and the current Congressional leadership seems inclined to reduce funding and/or restrict ICE activity.

## End Notes

<sup>1</sup> This paper uses the terms “immigrant” and “alien” interchangeably, while recognizing that the term “alien” is the term provided in the Immigration and Nationality Act for non-citizens.

<sup>2</sup> *2005 National Gang Threat Assessment*, National Alliance of Gang Investigators Association, Bureau of Justice Assistance, U.S. Department of Justice, [http://www.ojp.usdoj.gov/BJA/what/2005\\_threat\\_assesment.pdf](http://www.ojp.usdoj.gov/BJA/what/2005_threat_assesment.pdf).

<sup>3</sup> Special thanks to Claude Arnold, agents in the DC/Virginia and Boston ICE SAC offices, Lt. Ron Haugsdahl, James Towey, Robert McGraw, Michael Cutler, Heather Kwak, Tomer Rabizadeh, Zachary Nunez, Rebecca Smith, and numerous others whose valuable insights will be gratefully acknowledged further in the final project report.

<sup>4</sup> NAGIA *Threat Assessment*, *loc. cit.*

<sup>5</sup> Federal Bureau of Investigation website, section on Violent Gangs: [http://www.fbi.gov/hq/cid/ngic/violent\\_gangs.htm](http://www.fbi.gov/hq/cid/ngic/violent_gangs.htm).

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<sup>17</sup> Sam Quinones and Ari B. Bloomekatz, “‘We’re not going away,’ LAPD says,” *Los Angeles Times*, June 26, 2008.

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<sup>19</sup> Celinda Franco, *The MS-13 and 18th Street Gangs: Emerging Transnational Gang Threats?*, Congressional Research Service, November. 2, 2007. See also, Diego Cevallos, “MEXICO: Spread of Central American Youth Gangs Uncurbed,” *Inter Press Service News Agency*, November 3, 2007. See also, Ana Arana, “How the Street Gangs Took Central America,” *Foreign Affairs*, May/June, 2005.

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<sup>24</sup> The percentage of the population living below the poverty level in the Central American countries with significant MS-13 presence are as follows: Guatemala, 56 percent; Honduras, 53 percent; Mexico, 40 percent; El Salvador, 35 percent. By comparison, the percentage of the U.S. population living below the poverty level is 12 percent. Central Intelligence Agency, *World Factbook*.

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<sup>26</sup> “The Fight Against MS-13,” *60 Minutes*, CBS News, December 4, 2005. See also, “Violent Hispanic gang spreading in Canada,” *Global National* (Canada), 2007. See also, Dominik Lemansk, “Guerilla Warfare In The UK,” *Sunday Star* (U.K.), April 8, 2007 (included this quote from

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<sup>31</sup> Sara A. Carter and Mason Stockstill, “Report: MS-13 gang hired to murder Border Patrol,” *Daily Bulletin* (San Bernardino, Calif.), January 10, 2006.

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# Taking Back the Streets ICE and Local Law Enforcement Target Immigrant Gangs

By Jessica M. Vaughan and Jon D. Feere

Immigration law enforcement has been a key ingredient contributing to the success of criminal gang suppression efforts in many jurisdictions across the United States. Since 2005, the Bureau of Immigration and Customs Enforcement (ICE) has arrested more than 8,000 gangsters from more than 700 different gangs as part of a special initiative known as Operation Community Shield. This effort has produced incalculable public safety benefits for American communities, despite being criticized periodically by immigrant and civil liberties advocates that are consistently opposed to all immigration law enforcement.

Immigrant gangs are considered a unique public safety threat due to their members' propensity for violence and their involvement in transnational crime. Local governments and law enforcement agencies that shun involvement in immigration law enforcement are missing an opportunity to protect their communities from criminal immigrant gang activity. Policymakers should take further steps to institutionalize partnerships between state and local law enforcement agencies and ICE in order to address gang and other crime problems with a connection to immigration.

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