

# CRS Report for Congress

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## Gangs in Central America

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### Summary

In the past year, there has been increasing attention by the press and policymakers on the effects of crime and gang violence in Central America, and its spillover effects on the United States. The February 2005 arrest of some 103 members of the violent Mara Salvatrucha (MS-13) gang in several cities across the United States — including a man charged in connection with a December 2004 bus massacre in Honduras that killed 28 people — raises concerns about the transnational activities of Central American gangs. Citizens in several Central American countries have identified crime and gang violence among the top issues of popular concern, and Honduras and El Salvador have recently enacted tough anti-gang legislation. Gang violence may threaten political stability, inhibit social development, and discourage foreign investment in Central America. Many analysts predict that illicit gang activities may accelerate illegal immigration, drug smuggling, and trafficking in persons and weapons to the United States. Some analysts maintain that contact between gang members in both regions is increasing, and that this tendency may serve to increase gang-related violent crime in the United States. Others assert that unless the root causes of gang violence, which include poverty, joblessness, and the social exclusion of at-risk youth, are addressed in a holistic manner, the problem will continue to escalate. This report will be updated periodically.

### Background

Although many Latin American countries are facing serious crime problems associated with gangs (*maras*), the largest and most violent gangs in the region operate in Central America and Mexico. Some analysts believe these gangs could pose a serious threat to the region's stability. Honduras, Guatemala, and El Salvador are at the epicenter of the gang crisis, with some of the highest murder rates in the world. 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. In the United States, the corresponding figure was 5.7. Salvadoran police estimate that at least 60% of the 2,576 murders committed there in 2004 were gang-related. Estimates of the number of gang members in Central America vary widely, but the U.S. Southern Command has placed that figure at around 70,000. The gangs are reportedly involved in human trafficking; drug, auto, and weapons smuggling; and kidnapping. In the last two years, nearly 1,100 gang members have been arrested in

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Mexico, many of whom were charging migrant smugglers to let their groups pass, or working with Mexican drug cartels. Regional and U.S. authorities have confirmed gang involvement in regional drug trafficking. The Federal Bureau of Investigation (FBI) has found no credible evidence of a connection between Central American gangs and Al-Qaeda or other terrorist groups.<sup>1</sup>

**Central American Street Gangs.** The major gangs operating in Central America with ties to the United States are the “18<sup>th</sup> Street” gang (also known as M-18), and their main rival, the *Mara Salvatrucha* (MS-13). The 18<sup>th</sup> Street gang was formed by Mexican immigrants in the Rampart section of Los Angeles in the 1960s, youth who were not accepted into existing Hispanic gangs. It was the first Hispanic gang to accept members from all races and to recruit members from other states. MS-13 was created during the 1980s by Salvadorans in Los Angeles who fled the country’s civil conflict. It now has an estimated 8,000 to 10,000 members in some 33 states and the District of Columbia. Although FBI officials have described MS-13 as a “loosely structured street gang,” it has expanded geographically, and may pose an increasing national and regional security threat as it becomes more organized and sophisticated.<sup>2</sup>

**Factors Contributing to the Gang Problem.** Several factors may have contributed to the problem of gang violence in Central America. Scholars have identified income inequality as the strongest predictor of violent crime rates.<sup>3</sup> Central American countries (aside from Costa Rica) have some of the highest income inequality indices in the world. Other regional trends that may worsen patterns of gang violence in many countries include extreme poverty; highly urbanized populations; growing youth populations facing stagnant job markets; and an absence of political will to fight crime in a holistic manner.

Some analysts argue that U.S. immigration policy has exacerbated the gang problem in Central America. By the mid-1990s, the civil conflicts in Central America had ended and the United States began deporting undocumented immigrants, many with criminal convictions, back to the region. Between 2000 and 2004, an estimated 20,000 criminals were sent back to Central America. Some scholars have noted that, at least in the case of El Salvador, the high tolerance of violence among Salvadorans, as well as the widespread proliferation of firearms and explosives that has occurred there during and since the country’s civil conflict of the 1980s, have contributed to the gang problem. Still others, especially organizations working directly with gang members, have asserted that social exclusion and a lack of educational and job opportunities for at-risk youth are perpetuating the gang problem. They assert that offender reentry into society is a major

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<sup>1</sup> Sources include Dudley Althaus, “A Threat on a Regional Scale,” *Houston Chronicle*, April 24, 2005; “2,576 Homicidios en el 2004 en El Salvador,” *Agence France Presse*, January 5, 2004; Testimony of General Bantz J. Craddock, Commander, U.S. Southern Command, before the Senate Armed Services Committee, March 15, 2005; “Roving Gangs Show No Signs of a Link to Terrorist Activity,” *The Miami Herald*, February 25, 2005.

<sup>2</sup> Arian Campo-Flores, “The Most Dangerous Gang in America,” *Newsweek*, March 28, 2005. For gang structure, see Testimony of Chris Swecker, FBI, before the House International Relations Committee, Subcommittee on the Western Hemisphere, April 20, 2005.

<sup>3</sup> D. Ledermann et al., “Determinants of Crime Rates in Latin America and the World,” *World Bank*, October 1998.

problem, as tattooed former gang members — especially returning deportees from the United States who are often native English speakers — have difficulty finding gainful employment.<sup>4</sup>

## Country and Regional Responses to the Gang Problem

Most gang activity in Central America has occurred in El Salvador, Honduras, and Guatemala. Among the Central American countries, Honduras and El Salvador have enacted aggressive anti-gang laws, whereas Nicaragua and Panama — two countries in which the gang problem has yet to pose a major security threat — have adopted youth crime prevention strategies. Guatemala is considering a package of stringent anti-gang legislation, but is also implementing some social rehabilitation and prevention programs.

**Honduras.** In 2003, Honduras passed legislation that established a maximum 12-year prison sentence for gang membership, a penalty which was then stiffened to up to 30 years in prison in December 2004. While the initial crackdown reportedly reduced crime significantly (an 80% decline in kidnapping and a 60% decline in youth gang violence<sup>5</sup>) and was popular with the public, it was opposed by human rights groups concerned about abuses of gang suspects by vigilante groups and police forces, and its effects on civil liberties. On March 11, 2005, the Honduran government announced that it was investigating reports mentioned in the State Department's February 2005 Human Rights Report that "death squads" have been formed there to target youth gang members.<sup>6</sup> Skeptics are also concerned about the effects of the anti-gang legislation on the country's overcrowded prison system. In May 2004, 104 inmates, predominantly gang members, were killed in a fire in an overcrowded San Pedro Sula prison.

**El Salvador.** In July 2004, El Salvador's Congress unanimously approved President Tony Saca's *Super Mano Dura* ("Super Firm Hand") package of anti-gang reforms. The package includes reforms stiffening the penalty for gang membership to up to five years in prison and for gang leadership to nine years. The anti-gang legislation was approved despite vocal criticisms by the United Nations and other groups that its tough provisions, especially those allowing convictions of minors under 12 years of age, violate international human rights standards. The Salvadoran government reported that the gang legislation led to a 14% drop in murders in 2004. However, El Salvador recorded a total of 552 murders in January and February 2005 alone.<sup>7</sup> In February 2005, El Salvador's Legislative Assembly tightened gun ownership laws, especially for youths, to complement existing anti-gang measures. Non-profit organizations in El Salvador have lobbied the

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<sup>4</sup> Ana Arana, "How the Street Gangs Took Central America," *Foreign Affairs*, May/June 2005. Joaquín Chávez, "An Anatomy of Violence in El Salvador," *NACLA Report on the Americas*, May/June 2004.

<sup>5</sup> "Death of Son Persuades Honduran President to Take Political Stage," *Financial Times*, August 11, 2004.

<sup>6</sup> Honduran Government Investigating Alleged 'Death Squads,'" *EFE*, March 11, 2005.

<sup>7</sup> Chris Kraul, "El Salvador Comes to Grips with Gangs," *Los Angeles Times*, December 13, 2004; "El Salvador Experiences 552 Homicides in Two Months," *WMRC Daily Analysis*, March 3, 2005.

government to focus more on the rehabilitation of gang members and less on enacting tough measures that criminalize youths and raise human rights questions.

**Other Country Initiatives.** Although their efforts have received considerably less international attention than El Salvador and Honduras, several other Central American countries have recently developed, or are in the process of developing, a variety of policies and programs to deal with the gang problem. In September 2004, Panamanian President Martin Torrijos launched *Mano Amiga* (“Friendly Hand”), a crime prevention program that provides positive alternatives to gang membership for at-risk youths. Aimed at children aged 14-17, the government program, which is supported by a number of domestic and international non-governmental institutions, seeks to provide access to theater and sports activities for some 10,000 Panamanian youth. Nicaragua, like Panama, has adopted a national youth crime prevention strategy that focuses on family, school, and community interventions.

In Guatemala, President Oscar Berger seems to support both strengthening law enforcement capacity to combat criminal gangs, and expanding gang prevention and social rehabilitation programs. The Guatemalan Congress is considering tough anti-gang legislation that would try gang members ages 12 and older as adults, and establish lengthy sentences for gang leaders.<sup>8</sup> The Ministry of Government is developing another package of legislation that would strengthen the country’s criminal code and improve its capacity to investigate and prosecute gang members. Many human rights organizations, wary of past human rights abuses by Guatemalan police and security forces, oppose any measures that would strengthen law enforcement’s power to fight the gangs. On the preventive side, the Guatemalan government is developing programs to prevent gang-related crime and assist disadvantaged and vulnerable youth, especially former gang members.

**Regional Efforts.** Central American leaders have recently begun discussing cooperative ways to fight the problem of criminal gangs. On March 18, 2005, Presidents Saca of El Salvador and Oscar Berger of Guatemala agreed to set up a joint security force to patrol gang activity along their common border. Regional military leaders have also called for assistance from the U.S. Southern Command to create a multinational force to tackle organized crime and criminal youth gangs.<sup>9</sup> On April 1, 2005, the Central American heads of state met in Honduras to discuss coordinating security and information-sharing initiatives to fight the gangs. Recognizing that security and intelligence-sharing alone would not be sufficient to tackle the gang problem, some of the leaders said they would approach the World Bank to find funding to support job training opportunities for former gang members.

## U.S. Efforts

Over the past year, Congress and the Administration have expressed concerns about the problem of transnational gangs. On April 20, 2005, the Western Hemisphere Subcommittee of the House International Relations Committee held hearings on gangs

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<sup>8</sup> “Guatemala: Will Guatemala Adopt Tough New Mara Legislation?” *Latin American Caribbean and Central American Report*, February 22, 2005.

<sup>9</sup> “Central America Calls for Creation of Elite Anti-Gang Force,” *WMRC Daily Analysis*, April 18, 2005.

and crime in Latin America. Witnesses focused the bulk of their testimony on the scope of the gang problem in Central America, and on current and proposed efforts undertaken by various U.S. agencies, in coordination with Central American officials, to deal with the gang problem. On April 20, 2005, Senator Lugar introduced a bill, S. 853, the North American Cooperative Security Act (NACSA), that includes provisions that would increase cooperation among U.S., Mexican, and Central American officials in the tracking of gang activity and in the handling of deported gang members. Another bill, H.R. 1279, introduced by Representative Randy J. Forbes in March 2005, is being fiercely debated in the House. The bill would make gang-related offenses federal crimes requiring mandatory sentences of at least 10 years, and enable 16- and 17-year-old gang members to be tried as adults. Similar legislation, S. 155, is under consideration in the Senate.

Several U.S. agencies have been actively engaged on both the law enforcement and preventive side of dealing with Central American gangs. On the law enforcement side, the FBI created a special task force focusing on MS-13 in December 2004, and, on February 23, 2005, it announced the creation of a liaison office that will be located in San Salvador. The liaison office will coordinate regional information-sharing and anti-gang efforts. The gang task force has introduced new regulations that will allow U.S. officials to provide information to Central American authorities about the criminal records of future deportees. Between FY2001 and FY2003, the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) investigated over 2,200 cases involving criminal gangs like MS-13. In the Department of Homeland Security, U.S. Immigration and Customs Enforcement (ICE) has created a new national anti-gang initiative called "Operation Community Shield" that, in addition to arresting suspected gang members in the United States, will work through its offices overseas to coordinate with foreign governments that are also experiencing gang problems. Since February 2005, more than 150 MS-13 members have been arrested for immigration violations.<sup>10</sup> These law enforcement agencies have coordinated their efforts with State Department officials responsible for supporting law enforcement and counter-narcotics programs in Central America.

On the preventive side, USAID worked with the Department of Justice's International Criminal Investigative Training Assistance Program (ICITAP) to create a community policing program in some 200 municipalities in El Salvador, and is planning a similar community crime prevention program in Guatemala. USAID programs strive to promote judicial reform, expand democratic governance, create economic opportunities, strengthen education, and improve public health in Central America. In Guatemala, USAID's proposed crime prevention program would create a model "youth home" for disadvantaged youth, including former gang members, and provide more educational and employment opportunities for at-risk youth. In 2002, USAID joined the Centers for Disease Control and Prevention (CDC) on the Inter-American Coalition for the Prevention of Violence (IACPV). The IACPV is a multilateral group that is helping 12 municipalities in Central America develop violence prevention plans and share information on violence prevention at the local and national level. The U.S. State

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<sup>10</sup> "ICE Assistant Secretary Issues Statement on Alien Gang Epidemic," *U.S. Federal News*, April 13, 2005.

Department is reportedly developing a new initiative that would include economic programs to address the socioeconomic roots of the gang problem.<sup>11</sup>

## Policy Approaches and Concerns

Many analysts agree with the March 15, 2005 testimony of General Bantz Craddock, Commander of the U.S. Southern Command, before the Senate Armed Services Committee, that finding regional solutions to the gang problem is “absolutely essential.” Craddock maintained that the threat is one that “U.S. and partner nation security forces must actively combat in order to protect citizens and property.” At the same time, many analysts argue that in order to effectively reduce gang-related crime, a holistic approach to the problem must be developed that addresses its root social, political, and economic causes. Analysts disagree, however, as to what mix of preventive and suppressive policies needs to be put in place in Central America to deal with the gangs, and what U.S. agency is best equipped to oversee those anti-gang efforts.

Proponents of law enforcement solutions maintain that Central American law enforcement officials lack the capacity and the resources to target gang leaders effectively, conduct thorough investigations that lead to successful prosecutions, and share data. While most U.S. observers argue that the State Department and the FBI should take the lead in assistance to improve law enforcement capacity, others see a possible role for the U.S. Southern Command in training regional security forces. Critics of U.S. military involvement in anti-gang efforts have noted that it is the State Department’s role to provide security assistance to foreign governments, subject to human rights and democracy concerns.<sup>12</sup> Other proposals for increased U.S. involvement in police training — including the creation of an International Law Enforcement Academy (ILEA) in Latin America — have been delayed by lingering human rights concerns about providing extensive police training to forces in the region with a history of committing human rights abuses.

Proponents of prevention assert that the persistent gang violence in El Salvador and Honduras shows that law enforcement solutions alone cannot resolve the gang problem. Some argue that prisons have become “gangland finishing schools” instead of correctional facilities.<sup>13</sup> Many have suggested that USAID and the Inter-American Foundation (IAF) could take the lead on increasing gang-prevention programs in the region. Both agencies’ efforts have been limited in recent years, however, by limited budgets for development programs. Further, some assert that, regardless of U.S. efforts, gang prevention programs may not show immediate results, and will require a sustained high-level commitment by Central American leaders to attack the underlying factors of poverty and unemployment that have contributed to the rise in gang activity.

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<sup>11</sup> “4 Presidents Seek Help in Gang Battle,” *Los Angeles Times*, April 2, 2005.

<sup>12</sup> Washington Office on Latin America, *Blurring the Lines*, September 2004.

<sup>13</sup> Ana Arana, “How the Street Gangs Took Central America,” *Foreign Affairs*, May/June 2005.