

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 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 — raised 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 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 observers 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

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.¹

Central American Street Gangs. The major gangs operating in Central America with ties to the United States are the “18th Street” gang (also known as M-18), and their main rival, the *Mara Salvatrucha* (MS-13). The 18th 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.²

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.³ Central American countries (aside from Costa Rica) have some of the highest income inequality indices in the world. Other factors that may worsen patterns of gang violence in many countries include extreme poverty; highly urbanized populations; families broken up by the migration of a father or mother; 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 is a major problem, as

¹ Sources include “Criminal Gangs in the Americas,” *Economist*, January 5, 2006; “2,576 Homicidios en el 2004 en El Salvador,” *Agence France Presse*, January 5, 2005; Testimony of General Bantz J. Craddock, Commander, U.S. Southern Command, before the Senate Armed Services Committee, March 15, 2005.

² 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.

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

tattooed former gang members — especially returning deportees from the United States who are often native English speakers — have difficulty finding gainful employment.⁴

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. The Guatemalan government supports both strengthening law enforcement capacity to combat criminal gangs, and expanding gang 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 violence⁵) 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. In March 2005, the Honduran government began 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. 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 and on January 5, 2005, 13 inmates were killed during a clash between rival gangs in a prison north of Tegucigalpa.

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 3,697 murders in 2005, 34% more than in 2004. Salvadoran police estimate that more than 10,000 of some 14,000 suspected gang members arrested in 2005 were released for lack of evidence against them.⁶

⁴ 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.

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

⁶ "El Salvador: Murder Rate Soars in 2005," *Latinnews Daily*, January 4, 2006; "Most of 14,000 Gang Members Arrested in El Salvador Were Released," *EFE News Service*, Dec. 27, 2005.

Guatemala. In December 2005, President Oscar Berger announced that, as in El Salvador, the Guatemalan government would deploy joint military and police forces to contain gang-related violent crime. These joint forces may have been necessitated by rank depletion within the Guatemalan police that has occurred as some 4,000 officers have been dismissed in the past two years for irregular or criminal activities. The Guatemalan Congress is considering legislation that would strengthen the country's criminal code and capacity to investigate and prosecute organized crime (including gang activity). Other measures are being developed to address contraband, visitations, and corruption by guards in the wake of recent gang warfare in the prison system that resulted in 53 inmate deaths between August and September 2005. While law enforcement solutions have become the immediate focus of the Berger government, prevention programs are also being created to assist disadvantaged and vulnerable youth, especially former gang members.⁷

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 developing, a variety of 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.

Regional Efforts. On June 7, 2005, the OAS passed a resolution to hold conferences and workshops on the gang issue and to urge member states to support the creation of holistic solutions to the gang problem. Central American leaders have also discussed ways to better coordinate security and information-sharing on gang members at meetings held in April and June 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. Berger and other leaders have also called for assistance from the United States to create a regional "rapid-reaction force" to tackle drug traffickers and gangs. Critics assert that the creation of a regional military force runs counter to U.S. efforts to demilitarize a region that has a long history of civil conflict. Regional law enforcement efforts are already underway. In September 2005, more than 6,400 law enforcement officers from the United States, Mexico, and Central America carried out a coordinated gang raid that resulted in the arrest of 650 suspects.⁸

U.S. Efforts

Over the past year, Congress has 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 and crime in Latin America. Witnesses discussed the scope of the gang problem in Central America, and on

⁷ "Anti-crime Drives Fail to Contain Rising Violence," *Latin American Weekly Report*, December 13, 2005; "Guatemala: Mara Shootout Claims 14 lives," *Latinnews Daily*, September 20, 2005.

⁸ "Central America's Crime Wave Spurs Plan for a Regional Force," *Los Angeles Times*, August 16, 2005; "Gang Crackdown Nets 650 Suspects," *Los Angeles Times*, September 9, 2005.

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. Language included in the Senate-passed version of the FY2006 Foreign Operations appropriations bill, H.R. 3057, would have set aside some \$10 million in International Narcotics and Law Enforcement assistance to deter gangs in Guatemala, El Salvador, and Honduras. Some observers maintain that efforts to deal with criminal gang activity on the international front need to be coordinated with domestic policies aimed at stiffening penalties for gang-related crime.⁹

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, in April 2005, it opened a liaison office in San Salvador. The liaison office will coordinate regional information-sharing and anti-gang efforts. The gang task force has introduced new regulations that would allow U.S. officials to provide information to Central American authorities about the criminal records of future deportees. 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, ICE has arrested almost 800 suspected MS-13 members. These law enforcement agencies have coordinated their efforts with State Department officials responsible for supporting law enforcement and counter-narcotics programs in Central America. The Department of Justice has formed an inter-agency task force to combat international gang activity through diplomacy, law enforcement, transnational legal mechanisms, justice sector reform, increased information-sharing, and improved repatriation procedures.

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. 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. USAID is currently conducting an assessment of the gang problem and programming initiatives needed to confront its root causes throughout Central American and Mexico. USAID and the Centers for Disease Control and Prevention (CDC) are part of the Inter-American Coalition for the Prevention of Violence (IACPV). The IACPV is a multilateral group that has helped municipalities in Central America develop violence prevention plans, hosted a major conference on gang prevention, and worked with contacts in the region to form the Central American Coalition for the Prevention of Youth Violence. The U.S. State Department is also

⁹ See CRS Report RL32943, *Gang Prevention and Suppression Legislation in the 109th Congress: Side-by-Side Comparison of S. 155, H.R. 970, and H.R. 1279*, by Celinda Franco.

launching a school-based “culture of lawfulness” program to help youth resist gangs and drugs by building up their self-esteem and sense of civic responsibility.

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.¹⁰ Other proposals for increased U.S. involvement in police training — including the creation of an International Law Enforcement Academy (ILEA) in El Salvador — are likely to contain significant anti-gang components.

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 “like a college for MS-13” instead of correctional facilities.¹¹ 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.

¹⁰ Washington Office on Latin America, *Blurring the Lines*, September 2004.

¹¹ “MS-13: An International Franchise,” *Los Angeles Times*, October 13, 2005.