

CRS Report for Congress



Gangs in Central America

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Summary

The 110th Congress has maintained a keen interest in the effects of crime and gang violence in Central America and its spillover effects on the United States. Since February 2005, more than 2,000 alleged members of the violent Mara Salvatrucha (MS-13) gang have been arrested in cities across the United States. These arrests have raised concerns about the transnational activities of Central American gangs, and governments throughout the region are struggling to find the right combination of suppressive and preventive policies to deal with them. Some analysts assert that increasing U.S. deportations of individuals with criminal records to Central American countries may be contributing to the gang problem.

Several U.S. agencies have been actively engaged on both the law enforcement and preventive side of dealing with Central American gangs. An inter-agency committee worked together to develop a U.S. Strategy to Combat Criminal Gangs from Central America and Mexico, which was announced at a July 2007 U.S.-Central American Integration System (SICA) summit on security issues. The strategy, which is now being implemented, states that the U.S. government will pursue coordinated anti-gang activities through five broad areas: diplomacy, repatriation, law enforcement, capacity enhancement, and prevention.

During the first session of the 110th Congress, several Members introduced immigration legislation – H.R. 1645 (Gutierrez), S. 330 (Isakson), and S. 1348 (Reid) – that included provisions to increase cooperation among the United States, Mexico, and Central America in the tracking of gang activity and in the handling of deported gang members. However, none of those bills were enacted. On October 2, 2007, the House passed H.Res. 564 (Engel) supporting expanded cooperation between the United States and Central America to combat crime and violence. The Consolidation Appropriations Act, FY2008 (H.R. 2764/P.L. 110-161), included the provision of \$8 million to the State Department to combat criminal youth gangs, \$3 million more than the Administration's request.

In June 2008, Congress appropriated \$60 million for Central America in the FY2008 Supplemental Appropriations Act, H.R. 2642 (P.L. 110-252). Those funds will serve as initial funding for the Mérida Initiative, a new anticrime and counterdrug aid package for Mexico and Central America. With that funding, the State Department reportedly plans to use roughly \$13 million to support direct anti-gang efforts, with another \$4 million included for justice sector reform, \$8.6 million for police reform, and \$18 million for related development programs.

This report describes the gang problem in Central America, discusses country and regional approaches to deal with the gangs, and analyzes U.S. policy with respect to gangs in Central America. It will be updated periodically. For more information on the Mérida Initiative, see CRS Report RS22837, *Merida Initiative: U.S. Anticrime and Counterdrug Assistance for Mexico and Central America*. For information on the activities of Central American gangs in the United States, see CRS Report RL34233, *The MS-13 and 18th Street Gangs: Emerging Transnational Gang Threats*.

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Gangs in Central America

Introduction

In recent years, Administration officials and Members of Congress have expressed ongoing concerns about gangs and violence in Central America and their spillover effects on the United States. Policy-makers in countries throughout the region, including in the United States, are struggling to find the right mix of suppressive and preventive policies to confront the gang problem. Most agree that a comprehensive, regional approach to gangs is necessary to prevent further escalation of the problem.

The 110th Congress has maintained an interest in crime and gang violence in Central America, and in the related activities of Central American gangs in the United States.¹ Congress has considered what level of U.S. assistance is most appropriate to help Central American countries combat gang activity and what types of programs are most effective in that effort. In late June 2008, Congress provided increased country and regional anti-gang assistance by approving the proposed Mérida Initiative aid package for Mexico and Central America.² In addition, as in the first session, some Members of Congress have taken an interest in the effects of U.S. immigration policy, particularly increasing deportations of individuals with criminal records to Central America, on the gang problem. This report describes the gang problem in Central America, discusses country and regional approaches to deal with the gangs, and analyzes U.S. policy with respect to gangs in Central America. It concludes with a discussion of policy issues that Members of Congress may consider as they continue to address aspects of U.S. international anti-gang efforts.

Defining Gangs

Academics and other experts on gangs continue to debate the formal definition of the term “gang” and the types of individuals that should be included in definitions of the term.³ There is general agreement that most gangs have a name and some sense of identity that can sometimes be indicated by symbols such as clothing,

¹ For information on Central American gangs active in the United States, see CRS Report RL34233, *The MS-13 and 18th Street Gangs: Emerging Transnational Gang Threats*, by Celinda Franco.

² For more information on the Mérida Initiative, see CRS Report RS22837, *Mérida Initiative: Proposed U.S. Anticrime and Counterdrug Assistance for Mexico and Central America*.

³ This section was drawn from CRS Report RL33400, *Youth Gangs: Background, Legislation and Issues*, by Celinda Franco.

graffiti, and hand signs that are unique to the gang. Gangs are thought to be composed of members ranging in age from 12 to 24, but some gang members are adults well over the age of 24. Typically, gangs have some degree of permanence and organization and are generally involved in delinquent or criminal activity. Gangs may be involved in criminal activities ranging from graffiti, vandalism, petty theft, robbery, and assaults to more serious criminal activities, such as drug trafficking, drug smuggling, money laundering, alien smuggling, extortion, home invasion, murder, and other violent felonies.

Gangs are generally considered to be distinct from organized criminal organizations because they typically lack the hierarchical leadership structure, capital, and manpower required to run a sophisticated criminal enterprise. Gangs are generally more horizontally organized, with lots of small subgroups and no central leadership setting strategy and enforcing discipline. Although some gangs are involved in the street-level distribution of drugs, few gangs or gang members are involved in higher-level criminal drug distribution enterprises run by drug cartels, syndicates, or other sophisticated criminal organizations.

Violent Crime Rates in Central America

Latin America has among the highest homicide rates in the world, and in recent years murder rates have been increasing in several countries in Central America. Latin America's average rate of 27.5 homicides per 100,000 people is three times the world average of 8.8 homicides per 100,000 people.⁴ Based on the most recent crime trend surveys (CTS) data available from the United Nations Office on Drugs and Crime (UNODC), Guatemala and El Salvador are internationally among the most violent countries for which standardized data has been collected.⁵ Whereas homicide rates in Colombia, historically the most violent country in Latin America, have fallen in the past few years, homicides have increased in El Salvador, Guatemala, and Honduras. In 2005, the estimated murder rate per 100,000 people was roughly 56 in El Salvador, 41 in Honduras, and 38 in Guatemala. In Costa Rica and Nicaragua, the corresponding figures were 6.2 and 8 respectively. More recent figures cited during the Second Ibero-American Forum on Citizen Security held in July 2008 indicated that Guatemala now has the second highest murder rate in Central America (roughly 45 per 100,000 people) after El Salvador (55 per 100,000 people).⁶

⁴ World Health Organization, *World Report on Violence and Health, 2002*, Available at [http://www.who.int/violence_injury_prevention/violence/world_report/en/].

⁵ No standardized CTS data are available for Honduras, but police statistics indicate that it also has a serious murder problem. See United Nations Office on Drugs and Crime (UNODC), *Crime and Development in Central America: Caught in the Crossfire*, May 2007, available at [http://www.unodc.org/pdf/research/central_america_study.pdf].

⁶ Although police statistics are not entirely reliable, they provide a starting point for comparing the relative severity of violent crime in different countries. See "Guatemala, El Salvador, and Honduras Register Highest Crime Rates in Central America," *Global Insight Daily Analysis*, April 27, 2007; "Los Homicidios en Iberoamérica Triplican a los de Europa y van en Aumento," *Agencia EFE*, July 17, 2008.

Since most Central American countries exhibit many of the risk factors that have been linked to high violent crime rates, the region's current crime problems and related consequences are likely to continue in the near future. Scholars have identified income inequality as the strongest predictor of violent crime rates. Central America, along with Southern Africa and South America, is one of the most unequal regions in the world.⁷ UNODC contends that Central American countries are particularly vulnerable to violent crime fueled by drug trafficking and corruption because they are geographically located between the world's largest drug producing and drug consuming countries. Some 90% of the cocaine shipped from the Andes to the United States flows through Central America.⁸ Other traits that make some Central American countries vulnerable to violent crime include highly urbanized populations, growing youth populations, high unemployment rates, a widespread proliferation of firearms, and a legacy of prolonged civil conflicts. Low criminal justice capacity, corruption, and an absence of political will to fight crime in a holistic manner have also hindered countries' abilities to respond to violent crime.⁹

Scope of the Gang Problem in Central America

In recent years, Central American governments, the media, and many U.S. officials have attributed a large proportion of violent crime in the region to youth gangs or *maras*, many of which have ties to the United States. 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 youth in the Rampart section of Los Angeles in the 1960s 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 had fled the country's civil conflict. Although FBI officials have described MS-13 as a loosely structured street gang, it is expanding geographically throughout the region and becoming more organized and sophisticated.¹⁰

Estimates of the overall number of gang members in Central America vary widely, but the U.S. Southern Command has placed that figure at around 70,000, a figure also cited by the United Nations. The gang problem is most severe in El Salvador, Honduras, and Guatemala. Estimates of Central American gang membership by country also vary considerably, but UNODC cites country membership totals of some 10,500 in El Salvador, 36,000 in Honduras, and 14,000

⁷ Costa Rica is an exception to this regional trend. See D. Ledermann et al., "Determinants of Crime Rates in Latin America and the World," *World Bank*, October 1998.

⁸ UNODC, May 2007.

⁹ *Ibid.*

¹⁰ Arian Campo-Flores, "The Most Dangerous Gang in America," *Newsweek*, March 28, 2005; USAID, *Central America and Mexico Gang Assessment*, April 2006, available at [http://www.usaid.gov/locations/latin_america_caribbean/democracy/gangs.html].

in Guatemala. These figures are compared to 4,500 in Nicaragua, 1385 in Panama, and 2,660 in Costa Rica.¹¹

Press reports and some current and former Central American officials have blamed MS-13 and other gangs for a large percentage of violent crimes committed in those countries, but some analysts assert that those claims may be exaggerated.¹² Gang experts have argued that, although gangs may be more visible than other criminal groups, gang violence is only one part of a broad spectrum of violence in Central America.¹³ In El Salvador, for example, officials have blamed gangs for 60% of all murders committed annually, but UNODC contends that evidence to support that conclusion is lacking. In Guatemala, the regions of the country that have the highest murder rates tend to be those without a significant gang presence, but where organized criminal groups and narco-traffickers are particularly active.¹⁴

Although the actual percentage of homicides that can be attributed to gangs in Central America remains controversial, the gangs have been involved in a broad array of other criminal activities. Those activities include kidnaping; human trafficking; drug, auto, and weapons smuggling. Gangs have also been involved in extortions of residents, bus drivers, and business-owners in major cities throughout the region. In San Salvador, for example, gangs regularly demand that citizens pay “war taxes.” Failure to pay often results in harassment or violence by gang members.

There have been some reports of gang activity in Mexico and along the U.S.-Mexico border. Until Hurricane Stan hit in October 2005, MS-13 members were active in southern Mexico where they often charged migrant smugglers to let their groups pass and sometimes worked in collaboration with Mexican drug cartels. MS-13 members are reportedly being contracted on an ad-hoc basis by Mexico’s warring cartels to carry out revenge killings. Regional and U.S. authorities have confirmed gang involvement in regional drug trafficking.¹⁵

Notably, analysts find no link between Central American gangs and Al Qaeda or other terrorist groups.¹⁶

¹¹ Testimony of General Bantz J. Craddock, Commander, U.S. Southern Command, before the Senate Armed Services Committee, March 15, 2005; UNODC, May 2007.

¹² For example, see Federico Brevé, former Minister of Defense of Honduras, “The Maras: A Menace to the Americas,” *Military Review*, July-August 2007.

¹³ Testimony of Geoff Thale, Program Director of the Washington Office on Latin America, before the House Committee on Foreign Affairs, Subcommittee on the Western Hemisphere, June 26, 2007.

¹⁴ UNODC, May 2007; Washington Office on Latin America and the Instituto Tecnológico Autónomo de México, *Transnational Youth Gangs in Central America, Mexico and the United States*, March 2007.

¹⁵ “Gangs Undermine Security, Democracy,” *Miami Herald*, March 30, 2006; Jerry Seper, “Border Drug Wars Threaten U.S.,” *Washington Times*, September 3, 2008.

¹⁶ Testimony of Chris Swecker, Assistant Director, Criminal Investigation Division, Federal Bureau of Investigation, before the Subcommittee on the Western Hemisphere of the House

Factors Exacerbating the Gang Problem in Central America

Poverty and a Lack of Educational and Employment Opportunities.

Several organizations working directly with gang members have asserted that the combination of poverty, social exclusion, and a lack of educational and job opportunities for at-risk youth are perpetuating the gang problem. In Honduras, for example, close to 30% of the population is youth ages 15-24. Those youth have very limited opportunities in a country where some 65% of the population lives on less than \$2 a day and the unemployment rate was 25% in 2005. A 2007 World Bank risk assessment for Honduras states that the country has large numbers of unemployed youth who are not in school and, unable to develop the skills required for attending a university or obtaining skilled employment, provide a ready pool of gang recruits.¹⁷ In the absence of familial and community support, many marginalized youth have turned to gangs for social support, a source of livelihood, and protection.

Societal Stigmas. Societal stigmas against gangs and gang-deportees from the United States have made the process of leaving a gang extremely difficult. A recent State Department report on youth gangs in El Salvador identifies religious conversion, marriage, enlistment in the military, or enrollment in a substance abuse rehabilitation program as the few options available for those who seek to leave a gang. Many organizations that work with former gang members, particularly those with criminal records, say that offender reentry is a major problem in many countries. Ex-gang members report that employers are often unwilling to hire them. Tattooed former gang members, especially returning deportees from the United States who are often native English speakers, have had the most difficulty finding gainful employment. In El Salvador, several hundred gang members have gone through complete tattoo removal, a long and expensive process, which many feel is necessary to better blend into Salvadoran society.¹⁸

Role of the Media. Many studies have observed that sensationalist media coverage of the gang phenomenon in Central America has contributed to a sense of insecurity in the region and may have inadvertently enhanced the reputation of the gangs portrayed. For example, a 2006 USAID gangs assessment found that rival gangs in Honduras often compete to see who can portray the most brutal and/or delinquent activities in order to capture the most media attention. Exaggerated media reports may have also contributed to the popular perception, which has been backed by some politicians in Guatemala, Honduras and El Salvador, that youth gangs are responsible for the majority of violent crime in those countries. This sentiment, however erroneous, has led many Central American citizens to support tough law

¹⁶ (...continued)

Committee on International Relations, April 20, 2005.

¹⁷ Sara Michel, Elizabeth Utting, and Bob Moquin, "Honduras: a Risk Assessment," *World Bank*, February 2007.

¹⁸ U.S. Department of State, Bureau of Democracy, Human Rights and Labor, "Issue Paper: Youth Gang Organizations in El Salvador," June 2007.

enforcement measures against gangs, hire private security firms, and, in isolated cases, take vigilante action against suspected youth gang members.¹⁹

Anti-gang Law Enforcement Efforts. While tough law enforcement reforms initially proved to be a way for Central American leaders to show that they were cracking down on gangs, recent studies have cast serious doubts on their effectiveness. Instead of focusing on law enforcement efforts aimed at capturing top gang leaders, anti-gang initiatives in many countries have emphasized rounding up any tattooed youth, many of whom were later released for lack of evidence against them. For example, Salvadoran police estimate that more than 10,000 of some 14,000 suspected gang members arrested in 2005 were later released for lack of evidence against them.²⁰ In response to these law enforcement strategies, gangs are now changing their behavior to avoid detection. Many gang members are now hiding or removing their tattoos, changing their dress, and avoiding the use of hand signals, making them harder to identify and arrest. A regional study partially funded by the United Nations Development Program concluded that, largely in response to recent law enforcement tactics, gangs have developed into more sophisticated military and business organizations.²¹ Those findings are similar to the conclusions of a 2006 regional study which asserted that the repressive policing techniques adopted by many Central American governments may have contributed to gangs “becoming more organized and more violent.”²²

U.S. Deportations to Central America and the Gang Problem

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, particularly after the passage of the Illegal Immigrant Reform and Immigrant Responsibility Act (IIRIRA)

¹⁹ Testimony of Lainie Reisman before the House Committee on Foreign Affairs Subcommittee on the Western Hemisphere, June 26, 2007. For more on the politicization of the gang problem, see Lainie Reisman, “Breaking the Vicious Cycle: Respond to Central American Gang Violence,” *Sais Review*, Vol. 26, Summer 2006. The State Department Human Rights Reports covering Guatemala and Honduras for 2006 include references to NGO reports that vigilante killings of youths (including suspected gang members) have continued to occur. NGOs in both countries have asserted that these youth killings may have been perpetrated by groups that included members of the security forces.

²⁰ “Most of 14,000 Gang Members Arrested in El Salvador Were Released,” *EFE News Service*, December 27, 2005.

²¹ “Central America: Maras Pose Greater Threat Than Ever,” *Latin American Weekly Report*, February 7, 2008; United Nations Development Program (UNDP), “*Maras y Pandillas: Comunidad y Policia en Centroamérica*,” October 2007.

²² “Youth Gangs in Central America,” *Washington Office on Latin America*, November 2006.

of 1996. IIRIRA expanded the categories of aliens subject to deportation and made it more difficult for aliens to get relief from removal.²³

U.S. deportations to Latin American and Caribbean countries constitute the overwhelming majority of U.S. deportations worldwide. In the last three fiscal years, the Central American countries of Honduras, Guatemala, and El Salvador have received the highest numbers of U.S. deportations after Mexico. In FY2007, for example, over 74,000 Central Americans were deported to Honduras, Guatemala, and El Salvador. Despite those large numbers, the Central American countries, with the exception of Panama, have a lower percentage of criminal deportees than the regional average. For example, criminal deportees accounted for about 16% of Guatemalans and 18% of Hondurans deported in 2007, compared to close to 40% for the region.

Table 1. U.S. Deportations to Central America, FY2006-FY2008

Country	FY2006			FY2007			FY2008 (as of Sept. 28, 2008)		
	Total	Criminal	Non-Criminal	Total	Criminal	Non-Criminal	Total	Criminal	Non-Criminal
Costa Rica	563	92	471	436	88	348	469	122	347
El Salvador	10,312	3,679	6,633	19,804	4,948	14,856	18,930	5,242	13,688
Guatemala	18,386	3,589	14,797	25,173	3,914	21,259	25,642	4,804	20,838
Honduras	26,526	5,559	20,967	29,469	5,238	24,231	27,445	5,180	22,265
Nicaragua	2,241	585	1,656	2,205	510	1,695	2,064	492	1,572
Panama	152	117	35	150	98	52	148	93	55
Total: Central America	58,180	13,621	44,559	77,237	14,796	62,441	74,698	15,933	58,765

Source: Prepared with information provided by the Department of Homeland Security, Immigration and Customs Enforcement, Office of Detention and Removal. Figures include “removals,” but not voluntary returns.

Policymakers in Central America are concerned that increasing U.S. deportations of individuals with criminal records has worsened the gang and security problems in the region.²⁴ Between 2000 and 2004, an estimated 20,000 criminals were sent back to Central America, many of whom had spent time in U.S. prisons for drug and/or gang-related offenses. Many contend that gang-deportees have “exported” a Los Angeles gang culture to Central America and that they have

²³ For more information, see CRS Report RL32480, *Immigration Consequences of Criminal Activity*, by Michael John Garcia.

²⁴ Kate Joynes et al., “Central America, Mexico and the United States Formulate Shared Strategy to Fight Gang Violence,” *Global Insight Daily Analysis*, April 9, 2008.

recruited new members from among the local populations.²⁵ Most analysts agree that ties between U.S. and Central American gangs is increasing. However, both of the recent United Nations studies previously cited in this report cast doubt on the assertion that U.S. criminal deportees are one of the principal factors fueling the gang problem in Central America.²⁶

Central American officials have called on the United States to provide better information on deportees with criminal records. In his 2007 testimony before the House Subcommittee on the Western Hemisphere, the Honduran Ambassador asserted that while the United States now provides information on the criminal background of deportees, information is not provided on whether the repatriated nationals are gang members.

Country and Regional Responses to the Gang Problem

Most gang activity in Central America has occurred in El Salvador, Honduras, and Guatemala. 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, which has yet to enact comprehensive gang legislation, supports both strengthening law enforcement capacity to combat criminal gangs, and expanding gang prevention programs. An April 2006 USAID assessment found that country and regional efforts to address gangs have been “fragmented, disjointed and [that they] further underscore the need for coordinated action and leadership.”

Honduras

In 2003, Honduras passed tough anti-gang legislation that established stiff prison sentences for gang membership. While the initial crackdown reduced crime 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. The State Department’s March 2008 human rights report covering Honduras includes NGO reports of killings of youth, including suspected gang members, by vigilante groups. One NGO reports that some 2,000 youth have died since the *mano dura* (“firm hand”) legislation was adopted.²⁷ There has also been ongoing concern about the law’s effects on already poor prison conditions.

Beginning in 2006, the new government of Manuel Zelaya announced measures to use dialogue to convince gang members to give up violence and re-integrate into society, but subsequently has focused more on traditional law enforcement action to

²⁵ Ana Arana, “How the Street Gangs Took Central America,” *Foreign Affairs*, May/June 2005.

²⁶ UNODC, May 2007; UNDP, October 2007.

²⁷ Thelma Mejía, “In Tecucigalpa, the Iron Fist Fails,” *NACLA*, Vol. 40, No. 4, July/August 2007.

crack down on the gangs. The Honduran government also continues to rely on private groups to run most rehabilitation and offender reentry programs. In September 2006, the government launched Operation Thunder to increase the number of police and military patrols in the streets and conduct joint raids. It led to 1,600 arrests. The Zelaya government has been criticized by human rights organizations for proposing the creation of a Special Forces Battalion in the national police; these groups fear that such a move could lead to the “militarization” of the police. Despite government efforts, crime and violence in Honduras have continued unabated.²⁸

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 despite vocal criticisms by the United Nations and others that its tough provisions violate international human rights standards. Since that time, human rights groups have reported examples of targeted harassment and violence by police against suspected gang members and gang-deportees. However, a 2007 State Department paper on youth gangs in El Salvador states that there have been “no credible reports of police engaging in extrajudicial killings of gang members.”²⁹

In addition to enacting tough anti-gang legislation, in 2005, El Salvador’s legislature tightened gun ownership laws, especially for youths, and President Saca initiated joint military and police patrols in high-crime areas. The Saca government also began to allocate 20% of anti-gang funds for prevention and rehabilitation programs. In 2006, the Salvadoran government created a new Ministry of Public Security and Justice, increased joint military and police patrols, and unveiled a draft law against organized crime. Despite those efforts, El Salvador recorded 3,761 murders in 2006, a slight increase from 2005. There were roughly 3,476 murders in El Salvador in 2007. The March 2008 murders of eight gang members serving sentences in two different Salvadoran jails has drawn attention to the continued insecurity in the country’s jails.³⁰

Guatemala

In Guatemala, youth gangs are just one part of a broader crime problem involving organized crime and drug cartels. In December 2005, then-President Oscar Berger announced that he would deploy joint military and police forces to contain

²⁸ “Honduras’ Operation Thunder: The Effort to Stem Rising Crime,” *Stratfor*, October 30, 2006; “In Tegucigalpa, The Iron Fist Fails,” NACLA Report on the Americas, July 1, 2007. For more information, see CRS Report RL34027, *Honduran-U.S. Relations*.

²⁹ Several NGO reports are summarized in “No Place to Hide: Gang, State, and Clandestine Violence in El Salvador,” *The International Human Rights Clinic at Harvard Law School*, February 2007; U.S. Department of State, Bureau of Democracy, Human Rights and Labor, “Issue Paper: Youth Gang Organizations in El Salvador,” June 2007.

³⁰ “Salvadoran Murder Rate in 2006 Remains Unchanged,” *Global Insight Daily Analysis*, January 3, 2007; Raul Gutiérrez, “Salvadorans Mark Anniversary of Peace Accords,” *EFE*, January 16, 2008; “El Salvador: Murder of Inmates Reveals Insecurity of Prisons,” *Inter Press Service*, March 18, 2008.

violent crime. These joint forces were necessitated by rank depletion within the Guatemalan police that had occurred as thousands of officers were dismissed for irregular or criminal activities. The need to develop other measures to counter corruption by prison guards emerged after gang warfare in the prison system, facilitated by contraband and unauthorized visitations allowed by prison staff, resulted in 53 inmate deaths in August and September of 2005. More recently, the February 2007 killing of three Salvadoran legislators and their driver and the subsequent killing of the Guatemalan police officers accused of the legislators' murders drew international attention to the related problems of corruption, crime and impunity in Guatemala.³¹

In order to address these serious challenges, the Berger government secured passage of a law against organized crime and legislative approval for the creation of the United Nations International Commission Against Impunity in Guatemala (CICIG), which was inaugurated on January 11, 2008. Staffing and budget limitations, as well as the fact that it does not have the authority to subpoena or indict suspects have thus far hindered the CICIG's efforts.³² President Álvaro Colom, a businessman from the center-left who took office in January 2008, has recently appointed a new attorney general who many hope will help that office work more closely with the CICIG to secure convictions. Human rights groups, though supportive of that move, have expressed concerns about Colom's plan to expand the Guatemalan army in order to bolster the security efforts of the national police.³³

Panama and Nicaragua

Although their efforts have received considerably less international attention than El Salvador, Honduras and Guatemala, other Central American countries have developed a variety of programs to deal with the gang problem. In Panama, the Ministry of Social Development, in coordination with other government entities and several NGOs, administers gang prevention programs, as well as a program to provide job training and rehabilitation services to former gang members. In 2006, the Inter-American Development Bank (IDB) approved a \$22.7 million loan to Panama to fund that and other programs aimed at preventing youth violence in four of the country's largest municipalities. Nicaragua has adopted a national youth crime

³¹ In July 2008, the public prosecutor assigned to investigate the so-called "Salvadoran" murder case was assassinated. However, in a positive turn of events, the person suspected of orchestrating the legislators' murders was arrested in late August. "'Salvadoran Murder Case' Suspect Jailed," *Latinnews Daily*, September 1, 2008.

³² The U.N. International Commission Against Impunity in Guatemala (CICIG) was established in September 2007 as the result of an agreement between the U.N. and the Guatemalan government. CICIG is an independent body funded by voluntary contributions from the international community that can investigate cases and help Guatemalan prosecutors secure convictions in cases involving organized crime. See "The Americas: A Test of Will; Guatemala," *Economist*, March 22, 2008; "U.N.-Backed Probe of Illegally Armed Groups in Guatemala Issues First Report," *States News Service*, September 9, 2008.

³³ "Guatemala: Attorney General Steps Down as High Level Changes Continue," *Latin American Caribbean and Central American Report*, August 21, 2008; "Guatemala: Colom Announces Army Expansion," *Latin American Weekly Report*, September 4, 2008.

prevention strategy that, with the active involvement of the police, focuses on family, school, and community interventions. With support from other countries and NGOs, the Nicaraguan National Police's Juvenile Affairs Division runs at least two anti-gang activities a month. The Ministry of the Interior is administering a five-year program, which is supported by funding from the IDB, to target at-risk youth in 11 different municipalities.

Regional Efforts

Organization of American States (OAS). 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. The OAS unit focused on the problem of gangs in the Americas is located within the Organization's Secretariat for Multidimensional Security. In the past three years, the OAS has hosted meetings and conferences on the gang problem in Latin America and conducted a study on how to define and classify the types of gangs operating in the region. The OAS is also developing a regional strategy for promoting inter-American cooperation in dealing with gangs.

On June 5, 2007 the OAS General Assembly passed a resolution to promote hemispheric cooperation in confronting criminal gangs that instructs the General Assembly to support country anti-gang efforts and the Permanent Council to create a contact group of member states concerned about the gang issue. The resolution also requests that the Permanent Council hold a special meeting with member states, other inter-American agencies (such as the Pan American Health Organization (PAHO) and the Inter-American Commission on Human Rights), other international organizations, and civil society representatives to analyze the gang problem from an integrated, cross-cutting perspective.

Inter-American Coalition for the Prevention of Violence (IACPV). The IACPV is a multilateral group formed in 2000 to promote prevention as a viable way of addressing crime and violence in Latin America. IACPV member organizations include the OAS, World Bank, PAHO, IDB, USAID, Centers for Disease Control and Prevention (CDC), and the United Nations Educational, Scientific, and Cultural Organization (UNESCO). The IACPV has helped municipalities in Central America develop violence prevention plans, developed a user-friendly violence indicators document, hosted a major conference on gang prevention, and provided technical and financial assistance to help form a counterpart organization within the region, the Central American Coalition for the Prevention of Youth Violence.

Inter-American Development Bank (IDB). Among IACPV member organizations, the IDB has taken the lead in funding major violence prevention programs in Central America. The IDB is executing significant violence reduction loans in El Salvador, Guatemala, Honduras, and Panama. On May 24, 2007, the IDB, in coordination with UNODC and the OAS, hosted a seminar in Washington D.C. on crime and violence in Central America.

World Bank. In 2003, the Sustainable Development section of the World Bank launched a Crime and Violence Prevention Program for Latin America and the

Caribbean. The program has produced analytical studies, with a particular emphasis on identifying best practices in reducing crime and violence; introduced crime and violence prevention components into existing Bank-funded projects in urban areas; developed a pilot program to give small grants to community-based initiatives in Honduras and Nicaragua; and conducted impact evaluations on those initiatives.

Regional Security Meetings. In addition to these multilateral efforts, Central American leaders and officials have regularly met, often accompanied by their U.S. counterparts, to improve ways to coordinate security and information-sharing on gang members. 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. Regional law enforcement efforts are already underway. In September 2005, 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.³⁴ In October 2006, the governments of the Central American Integration System or SICA (Guatemala, El Salvador, Honduras, and Nicaragua) and the Dominican Republic proposed legislation to make a local felony into a regional felony and pledged to improve intelligence-sharing within the region.

Central American Integration System (SICA) Summit. At a July 2007 SICA summit in Guatemala, the United States government pledged some \$4 million to help Central American governments develop a regional anti-gang strategy. Central American officials have said that they may need between \$600 and \$800 million to fund the increased law enforcement and equipment that would be necessary to implement a comprehensive regional security strategy.³⁵ Thomas Shannon, Assistant Secretary of State for Western Hemisphere Affairs, has since stated his belief that “Central America should probably receive in the area of \$400 million [in U.S. assistance through the Mérida Initiative] over three years” to support both country and regional security efforts.³⁶ The next SICA dialogue is scheduled to be held in Washington D.C. in December 2008.

U.S. Policy

Bush Administration officials and Members of Congress have expressed ongoing concerns about the effects of crime and gang violence in Central America, and its spillover effects on the United States. In June 2007, after attending a meeting with attorney generals from Central America, Colombia, and Mexico, then-U.S.

³⁴ “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.

³⁵ “U.S. Offers Funds to Fight Central America Gangs,” *Washington Post*, July 18, 2007.

³⁶ Testimony of Thomas Shannon, Assistant Secretary of State for Western Hemisphere Affairs, before the House Committee on Foreign Affairs, Subcommittee on the Western Hemisphere, May 8, 2008.

Attorney General Alberto Gonzales stated that “the United States stands with all of our neighbors in our joint fight against violent gangs.”³⁷ U.S. officials are striving to coordinate anti-gang initiatives on both the domestic and international fronts, taking into account their likely impacts on domestic security, on the one hand, and on foreign relations with the countries of Central America and Mexico, on the other.

U.S. International Anti-Gang Efforts

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, recent efforts by agencies include:

- **FBI:** has created a special task force focusing on MS-13 and opened a liaison office in San Salvador to coordinate regional information-sharing and anti-gang efforts.
- **Department of Homeland Security, Immigration and Customs Enforcement:** has created a national anti-gang initiative called “Operation Community Shield” that, in addition to arresting suspected gang members in the United States, works through its offices overseas to coordinate with foreign governments that are also experiencing gang problems. Since February 2005, ICE has arrested more than 2,000 suspected MS-13 members in the United States.³⁸
- **State Department, Bureau of International Narcotics and Law Enforcement (INL):** has provided training and technical assistance to law enforcement officials throughout Central America, sponsored anti-gang workshops at the International Law Enforcement Academy (ILEA) in San Salvador, and designed a “model precinct” to improve policing and police-community relations in Villanueva, Guatemala.
- **FBI/INL:** are creating a Transnational Anti-Gang (TAG) Unit composed of FBI agents and Salvadoran police.
- **FBI/INL:** are implementing the Central American Fingerprinting Exploitation (CAFÉ) initiative to facilitate information-sharing about violent gang members and other criminals.
- **Department of Homeland Security (DHS):** is implementing an electronic travel document (eTD) system to provide biometric and biographic information on persons being deported from the United States to law enforcement officials in receiving countries. The eTD

³⁷ “U.S. Vows to Help Latin America Fight Gangs,” *Reuters*, June 8, 2007.

³⁸ U.S. Immigration and Customs Enforcement (ICE), “News Releases: ICE Takes 10,000th Violent Gang Member off U.S. Streets,” August 6, 2008.

system is in place in Guatemala, Honduras, and El Salvador.³⁹

On the preventive side, U.S. agency efforts include:

- **USAID/Department of Justice’s International Criminal Investigative Training Assistance Program (ICITAP):** created a community policing program in some 200 municipalities in El Salvador.
- **USAID:** published an assessment of the gang problem in Central America in April 2006 that included programming initiatives needed to confront its root causes throughout Central American and Mexico.⁴⁰
- **USAID:** is funding a new regional program to support public-private partnerships in gang prevention that is also being supported by SICA and private sector groups in Honduras, Guatemala, and El Salvador.
- **State Department/INL:** has supported “culture of lawfulness” programs in schools throughout the region.

The U.S. Strategy to Combat the Threat of Criminal Gangs from Central America and Mexico. An inter-agency committee worked together to develop a U.S. Strategy to Combat Criminal Gangs from Central America and Mexico, which was announced at a July 18, 2007 U.S.-SICA summit on security issues.⁴¹ The strategy acknowledges that, based on previous U.S. and regional experiences, future anti-gang efforts should be holistic, comprehensive, and regional in scope. It calls for active engagement with governments in the region, the OAS, and the SICA. The strategy states that the U.S. government will pursue coordinated anti-gang activities in five broad areas: diplomacy, repatriation, law enforcement, capacity enhancement, and prevention.

Reprogrammed Andean Counterdrug Program (ACP) Funds for Anti-Gang Efforts.⁴² On September 28, 2007, the State Department notified Congress that some \$16 million in unspent ACP funds would be re-programmed to support INL’s drug interdiction operations, anti-gang efforts, and demand reduction initiatives in Central America. Of the \$16 million, some \$4.55 million would be spent on gang prevention and drug demand reduction projects in Honduras, Guatemala, and El Salvador.

³⁹ “Face Sheet: Department of Justice Comprehensive Efforts to Fight Gang Violence,” *U.S. Federal News Service*, June 24, 2008.

⁴⁰ USAID, April 2006.

⁴¹ U.S. Department of State, Office of the Spokesman, “Combating Criminal Gangs from Central America and Mexico,” July 18, 2007.

⁴² U.S. Department of State, Determination Pursuant to Section 451 of the Foreign Assistance Act Relating to the Central America Interdiction, Gang, and Demand Reduction Enhancement Project, September 28, 2007.

Congressional Interest

Over the past three years, Congress has expressed ongoing concern about the problem of transnational gangs and interest in the effectiveness of U.S. international anti-gang efforts. The 109th Congress introduced legislation— S. 853 (Lugar) and H.R. 2672 (Harris), the North American Cooperative Security Act — that included provisions to increase cooperation among U.S., Mexican, and Central American officials in the tracking of gang activity and in the handling of deported gang members, but that legislation was not acted upon. Both House and Senate versions of broader immigration legislation, H.R. 4437 (Sensenbrenner) and S. 2611 (Specter) contained similar provisions, but neither were enacted.

In the 110th Congress, interest in the topic of gangs and violence in Central America has included concerns about the unintended consequences of *mano dura* policies, the relationship between gangs and drug cartels, and the effects of U.S. immigration policy on the gang problem. At a June 2007 hearing of the House Committee on Foreign Affairs Subcommittee on the Western Hemisphere, some witnesses asserted that the emphasis on law enforcement approaches was not effective in reducing gang activity. In subsequent questioning, several Members of Congress expressed their concerns that drug-trafficking through Central America might be at the root of violence in the region. Others questioned what types of U.S. assistance would be most effective in offering youths alternatives to joining gangs. A separate Subcommittee hearing held in July 2007 examined the effects of U.S. deportations on Central America. On October 2, 2007, the House passed H.Res. 564 (Engel) supporting expanded cooperation between the United States and Central America to combat crime and violence.

Mérida Initiative.⁴³ During its second session, Congress has considered the Mérida Initiative, a multi-year anticrime and counterdrug plan for U.S. assistance to Mexico and Central America that was proposed by the Bush Administration in October 2007. The Administration requested \$500 million for Mexico and \$50 million for Central America in the FY2008 supplemental appropriations request. In contrast to the request for Mexico, the composition of proposed aid to Central America focused on anti-gang and law enforcement programs more than inspections and surveillance equipment.

Both congressional leaders and Central American officials initially expressed concerns about the Mérida Initiative. Some Members of Congress felt that they were inadequately consulted by Bush Administration officials during the development of the Initiative. Others questioned the use of an emergency spending measure as a vehicle for the Initiative. Central American leaders expressed concerns that Mexico was slated to receive the lion's share of proposed funding in the FY2008 supplemental request.⁴⁴ Those concerns were somewhat assuaged when the

⁴³ For more information on the Mérida Initiative, see CRS Report RS22837, *Mérida Initiative: U.S. Anticrime and Counterdrug Assistance for Mexico and Central America*.

⁴⁴ Manuel Roig-Franzia, "Central Americans See Peril in Bush's Anti-Drug Priorities," *Washington Post*, November 29, 2007.

Administration released its FY2009 budget proposal, which included another \$100 million request for Central America.

The FY2008 supplemental request proposed spending some \$12.6 million to support the U.S. Anti-Gang Strategy under the Public Security and Law Enforcement category.⁴⁵ Of that total, the Administration proposed spending \$5 million on law enforcement programs like the FBI's Transnational Anti-Gang Units, \$5 million on community prevention activities, and \$2.3 million to expand the eTD system to provide information to receiving countries on U.S. gang-deportees. The request also proposed spending \$1.5 million to fund the Central America Fingerprint System (CAFE).

The FY2009 request proposed spending \$13 million to support the U.S. Anti-Gang Strategy, also under the Public Security and Law Enforcement category. Of that total, the Administration proposed spending \$3.1 million to improve law enforcement capacity, \$7.5 million for community prevention activities, and \$2.3 million to expand the eTD system. The FY2009 request also included \$1.5 million to support the CAFÉ and \$1 million to support an OAS drug demand reduction program targeted at gang members.

In late June 2008, Congress appropriated \$60 million in FY2008 supplemental assistance for Central America in the FY2008 Supplemental Appropriations Act, H.R. 2642 (P.L. 110-252). In contrast to the Administration, which requested all Mérida funding in the International Narcotics Control and Law Enforcement (INCLE) account, Congress divided the funding for Central America between the INCLE, Economic Support Fund (ESF), Foreign Military Financing (FMF), and Nonproliferation, Anti-Terrorism, Demining and Related Programs (NADR) aid accounts. In the FY2008 Supplemental Appropriations Act, H.R. 2642 (P.L. 110-252), Congress shifted the bulk of funding for anti-gang programs from law enforcement to institution building, rule of law, and development programs. With that funding, the State Department developed a spending plan for how it and the other U.S. agencies involved will likely spend the FY2008 supplemental funding appropriated for the Mérida Initiative.⁴⁶ (See **Table 2** for details).

According to the spending plan, the U.S. government will provide roughly \$13.2 million in FY2008 supplemental funding for direct anti-gang assistance. That total includes some \$7 million for gang prevention programs; \$4.7 million to support the U.S. Anti-Gang Strategy, including \$3.4 million for the FBI's Transnational Anti-Gang Units, \$1 million to improve U.S. repatriation policies for gang-deportees, and \$252,000 to support ongoing efforts of the U.S.-SICA dialogue; and \$1.5 million to fund the Central America Fingerprint System.

The U.S. government will also use FY2008 supplemental funding to support a number of other programs that are indirectly related to addressing gangs in Central

⁴⁵ Information for sections on proposed FY2008 supplemental funding components is from a Department of State briefing paper that was submitted to Capitol Hill Offices.

⁴⁶ U.S. Department of State, FY2008 Supplemental Appropriations Spending Plan: Mexico, Central America, Haiti, and the Dominican Republic, September 9, 2008.

America. Those programs include \$4 million worth of justice sector reforms, \$3 million in community policing programs, and a \$10 million Community Action Fund that aims to help communities address problems that make them vulnerable to gangs and drug-related violence. Some \$8.6 million of the FY2008 supplemental funds will fund technical assistance and modernization programs for police in the region. Another \$1.5 million will support the ILEA in El Salvador. With that funding, the ILEA will offer four modules of anti-gang programs that will train roughly 120 law enforcement personnel from across the region on topics such as forensics, witness and judicial security, investigative techniques, and prevention and rehabilitation.

Table 2. Mérida Initiative Funding for Central America
(\$ in millions)

Type of Funding	FY2008 Supplemental Request (Central America)	State Department Spending Plan for FY2008 Supplemental (P.L. 110-252)	FY2009 Request (Central America)
Counternarcotics, Counterterrorism, and Border Security	16.6	16.7	40.0
Public Security and Law Enforcement	25.7	13.3	32.0
Institution Building and Rule of Law	7.7	29.0	23.0
Program Support	--		5.0
Total	50.0	60.0	100.0

Source: U.S. Department of State briefing paper provided to Congressional offices; U.S. Department of State, FY2008 Supplemental Appropriations Spending Plan, U.S. Department of State, Congressional Budget Justification for Foreign Operations, FY2009.

With respect to the FY2009 budget request, Congress passed a continuing resolution (H.R. 2638/P.L. 110-329) that will provide funding for U.S. foreign aid programs at FY2008 regular budget levels through March 6, 2009.

Policy Approaches and Concerns

Most policy-makers agree that finding regional solutions to the gang problem is essential. At the same time, many 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. There is disagreement, however, over the level and combination of preventive and suppressive policies that should be used in Central America to address the gang problem and over what U.S. agency is best equipped to oversee those efforts. Debates regarding the relative merits of prevention and suppression methods have reemerged during congressional consideration of the Central American portion of the Mérida Initiative.

Proponents of law enforcement solutions maintain that Central American law enforcement officials lack the capacity and resources to target gang leaders effectively, share data, and conduct thorough investigations that lead to successful prosecutions. In addition to supporting specialized anti-gang units, the Mérida Initiative seeks to address these issues by providing funding for police training to build investigative capacity and communications equipment for police forces. The Bush Administration requested \$11 million in FY2008 supplemental assistance and \$13 million in FY2009 funding to support technical assistance and modernization programs for police. It also sought \$2 million in proposed FY2008 supplemental assistance and another \$6 million in FY2009 funding to support the International Law Enforcement Academy based in El Salvador. The Initiative, as proposed by the Administration, did not include funds to support large-scale police reform, even though corruption within law enforcement is a major obstacle to current anti-gang efforts. It did, however, aim to improve police-community relations, which have been very poor in many communities, through support for community policing programs modeled after the successful U.S.-funded program in Villanueva, Guatemala. Due to the limited funding appropriated for law enforcement assistance in the FY2008 Supplemental Appropriations Act (P.L. 110-252), the State Department plans to provide \$7 million in police assistance to the Central American countries (\$4 million less than the request) and \$1.5 million for the ILEA (\$500,000 less than the request).⁴⁷

While most U.S. observers argue that the State Department and 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.⁴⁸ In recent years, the U.S. Southern Command has taken a leading role in discussing the problem of citizen security in Central America, both within the U.S. inter-agency community and with Central American officials. 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. They have expressed satisfaction that the Mérida Initiative emphasizes regional cooperation by civilian agencies on public security issues through the U.S.-SICA dialogue, with no explicit role established for the U.S. Southern Command or the region's militaries.⁴⁹

Based on the experiences of cities throughout the United States, proponents of more prevention-based interventions argue that localities that provide social services to at-risk youth have been more effective in preventing gang violence than those that have relied only on law enforcement approaches.⁵⁰ These findings mirror the results

⁴⁷ U.S. Department of State, FY2008 Supplemental Appropriations Spending Plan: Mexico, Central America, Haiti, and the Dominican Republic, September 9, 2008.

⁴⁸ The only military component in the Administration's proposal for Mérida was the \$21 million requested in FY2009 to support Enduring Friendship, a Department of Defense program to provide naval equipment to Central American countries so that they can work with the U.S. Coast Guard and Navy on maritime drug interdiction efforts.

⁴⁹ U.S. Department of State, Office of Language Services Translating Division, "Not All That is Gold Glitters and Not All That Glitters is Gold," by Joel Fyke and Maureen Myer, March 2008, originally published in *Foreign Affairs en Español*, Vol. 8, No. 1.

⁵⁰ "Gang Wars," *Justice Policy Institute*, Washington, DC, July 2007.

of several studies previously cited in this report that focus on reducing gang violence in Central America.

Human rights groups maintain that the Mérida Initiative should include more of an emphasis on prevention and rehabilitation than the Administration had originally proposed, and that the U.S. government should encourage SICA and the governments of the region to develop comprehensive youth violence prevention plans.⁵¹ Throughout Central America, government-sponsored gang prevention programs have generally been small-scale, ad-hoc, and under-funded. Governments have been even less involved in sponsoring rehabilitation programs for individuals seeking to leave gangs. Government officials have generally cited budgetary limitations as a major factor limiting their ability to implement more extensive prevention and rehabilitation programs, yet the political will necessary to adopt those types of programs has also been lacking. As previously stated, Congress increased funding for prevention programs, as well as economic and social development programs, in the FY2008 Supplemental Appropriations Act (P.L. 110-252).

⁵¹ “Memo: The Merida Initiative and Citizen Security in Mexico and Central America,” *Washington Office on Latin America*, March 2008.