

***Mara Salvatrucha: The Deadliest Street Gang in America***

Albert DeAmicis

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LaRoche College

## **Abstract**

The following paper will address the most violent gang in America: Mara Salvatrucha or MS-13. The paper will trace the gang's inception and its development exponentially into this country.

MS-13's violence has increased ten-fold due to certain policies and laws during the Obama administration, as in areas such as Long Island, New York. Also Suffolk County which encompasses Brentwood and Central Islip and other areas in New York. Violence in these communities have really raised the awareness by the Trump administration who has declared war on MS-13. The Department of Justice under the Trump administration has lent their full support to Immigration Custom Enforcement (ICE) to deport these MS-13 gang members back to their home countries such as El Salvador who has been making contingency plans to accept this large influx of deportations of MS-13 from the United States.

It has been determined by Garcia of Insight.com that MS-13 has entered into an alliance with the security threat group, the Mexican Mafia or La Eme, a notorious prison gang inside the California Department of Corrections and Rehabilitation. The Mexican Drug Trafficking Organization [Knights Templar] peddles their drugs throughout a large MS-13 national network across the country. This MS-13 street gang is also attempting to move away from a loosely run clique or clicas into a more structured organization. They are currently attempting to organize the hierarchy by combining both west and east coast MS-13 gangs.

The recommendation section highlights laws that have been enacted in the past, and also looks at new legislation such as H.R. 3003 "No Sanctuary for Criminals Act" and H.R. 3004 "Kate's Law". If these laws are passed by the Senate and signed into law by the President, they can become excellent tools that can be used against this plague of MS-13 that has fallen on our country. Bill H.R. 3003 will also help leverage these sanctuary cities to comply federally to enforce these laws. If they maintain their defiance and fail to comply, they will not receive federal funding and those funds will be reallocated to other states who do comply.

## **I. Introduction**

The United States Congress House Committee on Government Reform provided the following definition for a street gang (2006):

“Criminal street gang” means any ongoing organization, association, or group of three or more persons, whether formal or informal, (i) which has as one of its primary objectives or activities the commission of one or more criminal activities; (ii) which has an identifiable name or identifying sign or symbol; and (iii) whose members individually or collectively have engaged in the commission of, attempt to commit, conspiracy to commit, or solicitation of two or more predicate criminal acts, at least one of which is an act of violence, provided such acts were not part of a common act or transaction (p-27).

According to Savelli (2001):

“In the 1980’s and early 1990’s, Super Street gangs like the Latin Kings, Bloods, Crips, and Gangster Disciples exploded onto the Los Angeles, California scene (P-1).”

During this juncture, back in Central America, El Salvador had just suffered a civil war that had claimed the lives of an estimated 100,000 people. This civil war also created a deluge of emigration of one to two million Salvadorians settling in the Rampart area of Los Angeles, California. There was already a large contingent of a Mexican-American population living in this area. This area had a considerable large gang presence and criminal activity that was rampant. The Salvadorians were not accepted and were victimized by the gang population. These newly settled immigrants organized a new gang that they called Mara Salvatrucha, which is also known as MS-13. This name is rumored to be taken from a violent street gang named La Mara from El Salvador which has been combined with the term Salvatrucha. The English translation of the Spanish word Salvatrucha means “clever Salvadorian”. This expression is derived from gang members from the Farabundo Marti National Liberation Front. The Salvadorian peasants were trained as guerilla fighters. The Mexican Mafia prison gang is by far one of the most powerful and dangerous prison gangs in the California Department of Corrections and Rehabilitation prison system. For the Mara Salvatrucha’s gang members to survive when they were incarcerated they needed to pay homage to the Mexican Mafia. Here they added the number 13 to show respect (DeAmicis, 2010). The number thirteen is representative of the alphabet with its 13<sup>th</sup> position for the letter M or La Eme in Spanish. The MS-13 provides cash to the Mexican Mafia which furnishes more protection when gang members are incarcerated and placed in the California prison system. The leadership for the Mexican Mafia took full advantage of the MS-13’s skill set for murder by having the gang share its best hit men when the opportunity presented itself. This deal was brokered and the MS-13 was now a member of the Sureno Street gang. When translated to English it means (southern street gang). MS-13 is now a member of the California Alliance which is part of a truce with the other Latino Gangs (Logan, 2009).

As MS-13 grew, the gang earned the reputation of taking part in every criminal activity that was made available to them. MS-13’s reputation among the gangs grew as one of the most notorious and dangerous Mara cadres. MS-13 has established itself with a firm foothold across the United States. Since those early years this violent gang continues to grow by leaps and bounds in

communities like Northern Virginia and a resurgence in the State of Maryland, Washington, D.C. and Long Island, New York. The Long Island police noticed back in the late 1990's that MS-13 began to insert itself into the Long Island community. Despite the numerous arrests, the number of the gangs' membership has expanded nationwide.

According to Sam Logan (2009):

The MS-13 has exponentially expanded across the United States exceeding over 10,000 gang members and transcending the borders of 40 states. This figure in some estimates reflects numbers closer to 20,000 members (p-91-92).

This street gang began to be one of the fastest growing street gangs in towns such as Long Island, Brooklyn, and Queens according to law enforcement and gang subject matter experts from the state of New York. MS-13 has also entrenched itself in suburbia like Hempstead, Freeport, Glen Cove, Bay Shore and Port Washington. These gang members work during the day as everyday landscapers and bus boys, then at night, they transform themselves into criminal MS-13 gang members (Baram and Hamilton, 2003).

MS-13 is considered a hardened group consisting of many seasoned years of warfare in their home country, El Salvador, and their waring with other street gangs throughout America. This criminal group is considered to be very ruthless in their criminal activities. These thugs repertoire of criminal activity consists of murder, stealing, rape and drug dealing with no regard for any law enforcement authority (Baram and Hamilton, 2003).

The outcry from law enforcement and the citizens of these areas that have significant gang problems like MS-13, and the violence these street gangs cause in the community, needs to look for the assistance from the Trump administration and his United States Attorney General Jeff Sessions. The previous Obama administration with a failed policy like Catch-and-Release and the Trafficking Victims Protection Reauthorization Act which was passed in 2013 as an amendment to the Violence Against Women Act. These common thugs need the full weight of the American Criminal Justice System to come down hard on them swiftly and immediately. The United States Attorney General has begun to authorize these criminal sweeps by United States Immigration Criminal Custom Enforcement (ICE) and other law enforcement agencies.

According to Michael Hayden (2017):

The investigators working the street may not be paying much attention to the alarm sounded by the Trump administration, but Suffolk County Sheriff Vincent DeMarco certainly is. He hyped Session's visit on a podcast this past weekend, praising Trump's immigration crackdown and knocking the Obama White House for being too soft (Hayden, 2017).

This paper will examine the causation of the problem that has exponentially increased by the failed policy and the law referred to above. MS-13 has really impacted communities such as Long Island, New York, where MS-13 has been creating many problems for the citizens and law enforcement as listed in the next Section II.

## **II. Define the Problem**

The problem with a street gang like MS-13 is the ruthlessness that exists with the members who have no regard for our laws and our law enforcement or the citizens in their communities. Since the 1980's the emigration of this Salvadorian gang began to infiltrate the Los Angeles area and then steadily expanded and entrenched their tentacles into the fabric of our country. There has been quite a defining moment when our government under the President Obama administration had a very devastating policy called Catch and Release that has impacted national security through a policy which allowed hundreds of thousands of illegals to remain in this country who were potentially deportable.

An internal review on U.S. Immigration and Customs Enforcement (ICE) metrics reflected that hundreds of thousands of identified deportable aliens from the interior of our country had been released and not removed by sweeping "prosecutorial discretion" guidelines. Below refer to the following legal definition for prosecutorial discretion:

According to USLegal.com (n.d.):

Prosecutorial discretion refers to the fact that under American law, government prosecuting attorneys have nearly absolute powers. A prosecuting attorney has power on various matters including those relating to choosing whether or not to bring criminal charges, deciding the nature of charges, plea bargaining and sentence recommendation. This discretion of the prosecuting attorney is called prosecutorial discretion.

It was reported by ICE that over 722,000 encounters of whom were potentially deportable aliens came to their attention through incarceration for arrest that was committed locally. Ironically, ICE only moved to charge 195,000 of the 722,000 encounters to file immigration charges against them (Vaughn, 2014).

According to ICE Personnel (2014):

"The vast majority of these releases occurred because of current policies that shield most illegal aliens from enforcement, not because the aliens turned out to have legal status or were qualified to stay in the United States" (Vaughn, 2014).

ICE agents released 68,000 aliens in 2013 who had criminal convictions or 35 percent of all the criminal aliens that ICE reported that they had encountered. Local law-enforcement agencies typically do not receive formal notification of ICE's releases of those criminal aliens (Vaughn, 2014).

The following is a synopsis of Key Findings that raise an alarm over the Obama's administration's abuse of "prosecutorial discretion" pending review of deportation practices. The enforcement of the interior activity has recently already declined 40 percent since these policies inception back in 2011(Vaughn, 2014).

Key Findings:

- In 2013, ICE charged only 195,000, or 25 percent, out of 722,000 potentially deportable aliens they encountered. Most of these aliens came to ICE's attention after incarceration for a local arrest.
- ICE released 68,000 criminal aliens in 2013, or 35 percent of the criminal aliens encountered by officers. The vast majority of these releases occurred because of the Obama administration's prosecutorial discretion policies, not because the aliens were not deportable.
- ICE targeted 28 percent fewer aliens for deportation from the interior in 2013 than in 2012, despite sustained high numbers of encounters in the Criminal Alien and Secure Communities Programs.
- Every ICE field office but one reported a decline in interior enforcement activity, with the largest decline in the Atlanta field office, which covers Georgia and the Carolinas.
- ICE reports that there are more than 870,000 aliens on its docket who have been ordered removed, but who remain in defiance of the law.
- Under current policies, an alien's family relationships, political considerations, attention from advocacy groups, and other factors not related to public safety can trump even serious criminal convictions and result in the termination of a deportation case.
- Less than 2 percent of ICE's caseload was in detention at the end of fiscal year 2013
- About three-fourths of the aliens ICE detained in 2013 had criminal and/or immigration convictions so serious that the detention was required by statute. This suggests the need for more detention capacity, so ICE can avoid releasing so many deportable criminal aliens (Vaughn, 2014).

According to Vaughn (2014):

We know from experience and from empirical evidence that releasing illegal aliens who have already been involved in crime leads to more crime and more victims. This phenomenon was quantified in 2012 in a report commissioned by the House Judiciary committee. This analysis found that 26,000 illegal aliens who were released instead of removed went on to commit another 58,000 crimes soon after release. These additional crimes included 59 murders, 21 attempted murders, more than 4,000 major felonies and other 1,000 other violent crimes (Vaughn, 2014).

With the combination of the following law this has worked adversely opposite to the Catch-and-Release Policy. This law has allowed an onslaught of youthful illegal immigrants to enter into our country by relaxing our border security through the Trafficking Victims Protection Reauthorization Act which is an amendment to S. 47, the Violence Against Women Reauthorization Act of 2013. This law has allowed tens of thousands of these illegal alien teenagers who were neither accompanied nor trafficked to enter into the United States! This following information was reported from the Center for Immigration Studies (CIS) (Pittsburgh Tribune Review, 2016).

According to Vaughn Director of CIS Policy Services who stated (2016):

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An estimated 80 percent of all minors who entered the U.S. illegally and were picked up by authorities have been placed with “lightly vetted sponsors” including those in the U.S. illegally. Estimates that an average of 260 unaccompanied youths are being allowed in the country daily (Tribune Review, 2016).

Through no government intervention, these placements became easy targets for MS-13 recruitment for new gang members. During this juncture, thousands of illegal youths have joined MS-13 either through coercion, threats or reasons for voluntary protection. This was reported by the Center for Immigration Studies (CIS) (Tribune Review, 2016).

This program with all its good intentions for the protection of these illegal alien minors through the causation of this Act, has led to many of these illegal youths that has resulted in an increase of crime in the U.S (Tribune Review, 2016).

This is reason enough to reexamine this law and the path that has caused the following result for the increase in more gang activity.

The problem of this Obama’s initiative has encouraged these unaccompanied youths to flood our borders and subsequently has had grave consequences. Between October 2013 and July 2016, the estimated amount of unaccompanied illegal alien youths of 3,500 were placed on Long Island, New York by federal authorities. Some of these numbers were reported to be MS-13 gang members. It was also reported that 10 of these illegal alien youth gang members had been arrested last month in the connection for murders that happened last September. One gang member in particular was deported in 2010 but again crossed the border 4 years later and re-entered the United States where he was accused of more than one murder (Levy, 2017).

The following Section III will now be examined to show just how MS-13 uses their methods of violence and how they systematically terrorize our communities in perpetrating their criminal activity.

### **III. Methodology**

This section will determine just how dangerous MS-13 the street gang is to the community and law enforcement who has to deal with these miscreants of society and how these criminals operate by using violence and commit murder and rape on a daily basis. The methods that they use are an attempt to use intimidation and fear as their objective to control all of those who cross their path.

Mara Salvatrucha, also called MS-13, according to the FBI is headquartered in El Salvador. The Treasury Department in 2012 designated this street gang as a transnational criminal organization. MS-13's resume is very diverse and consists of serious criminal activities such as: drug trafficking, kidnapping, human smuggling, sex trafficking, murder, assassinations, racketeering, blackmail, extortion, and immigration illegal activities (Crimesider Staff, May 1, 2017).

As explained in the Introduction of this paper, there is a special relationship that exists between the most violent and powerful Security Threat Group: "The Mexican Mafia" and the street gang, MS-13 in the California Department of Corrections and Rehabilitation (CDCR).

A Security Threat Group is explained by Allen, Latessa, and Ponder (2016):

Any organization or group of three or more persons having as one of its primary activities the commission of one or more criminal acts within the prison setting; prison gangs; a criminal enterprise having an organizational structure and internal leadership, acting as an ongoing criminal conspiracy that uses violence and other criminal activity to continue (p-504).

The Mexican Mafia, or La Eme, is usually referenced as one of the most violent and dangerous Security Threat Groups (STG) that sit behind bars in so many California prisons. This STG exerts a powerful extensive hold by controlling the California streets where the number 13 is well respected (Garcia, November 30, 2016).

According to Al Valdez, who is a professor and a gang specialist stated the following (n.d.):

"There are 40,000 Surenos at the beck and call of La Eme, all of whom periodically pay dues to the group. The Barrio 18 was then first to pay this tax to La Eme and it continues to do so to this day (Garcia, November 30, 2016).

Since 1968, Latino Gangs that are established in the southern cities of California such as Bakersfield, and El Sereno to San Diego are absorbed under the total jurisdiction of La Eme. These gangs are called Surenos (Southerners). This includes MS-13, the 18<sup>th</sup> Street (Barrio 18), the White Fence and the Wanders 13. These gangs are all mortal enemies, and if they meet, in the street, or anywhere for that matter, they will kill each other quickly (Garcia, November 30, 2016). When these gangs come to California Department of Corrections and Rehabilitation, they are under complete control by La Eme! These Sureno gangs are ordered by La Eme to drop their monikers and fall under their complete authority at all times or pay the ultimate price (Garcia, November 30, 2016).

According to the following report by Garcia from Insightcrime.com, a member from the MS-13 street gang named Luis Gerardo Vega, alias “Little One”, had cemented a deal with the leader of the Knights Templar, a transnational Mexican Drug Trafficking Organization (DTO) run by Servando Gomez Martinez also known as, La Tuta as known in the drug trafficking world. This deal happened between April 3 and April 6, 2011. The news traveled quickly through the California Prison system and the streets of the United States.

According to Garcia (November 30, 2016).

Those who know their members often prefer to avoid speaking about them, and when they do, they give them respect that is not typical between gang members. They call them "los señores" or the "politicians." They are so revered that even inquiring as to their existence on the streets of Los Angeles could get you a death threat (pp-2).

The Los Senores were impressed by a call they received from Hector Garcia alias “Tramposo”, who was an ex-member of the Francis Loco Clique of the MS-13 in California who received a call from a California prison from a (Green Liner) — who is a retired gang member. Tramposo is of Mexican descent who now belongs to the Hollywood Loco’s Clique, whose Mexican family is from Michoacán, Mexico. The Knights Templar is a Mexican Drug Trafficking Organization (DTO) that fractured from La Familia Michocana another DTO. This DTO is also from the Michoacán, Mexico region. Tramposo introduced him to the La Eme members in prison. Because of this deal with La Tuta, “Little One,” is now running with Los Senores of the Mexican Mafia. He is now on his way to be a carnal---or a full blood brother of the Mexican Mafia. MS-13 has been waiting a long time for this opportunity to impress the Mexican Mafia. After three decades of MS-13’s existence, this street gang has finally secured a place at the table with La Eme. According to a government investigation, a ceremony was held in Fresno, California and “Little One” received the tripartite endorsement and became a full blood brother (Garcia, November 30, 2016).

The pipeline traveled through Pelican Bay’s Maximum Correctional Institution (CDCR). The essence of this plan, called “The Project”, was partnered between the Mexican Mafia MS-13 and the Knights Templar who agreed to distribute drugs across the United States. Up until this time, MS-13 was considered to be nothing but a pawn in the regional network of the other Sureños, managed by La Eme. Since this alliance was formed subsequently after “Little One’s” acceptance into La Eme, a meeting was scheduled with members of MS-13, senior figures of La Eme, and Knights Templar to organize a major distribution drug network of methamphetamines and synthetic drugs entering into the Los Angeles area and Orange County (Garcia, November 30, 2016).

In the past, the hierarchy of MS-13 has never been concretely established under any national leadership.

According to Webster, the following FBI spokespersons stated in (2008):

The FBI reported that MS-13’s structure is loosely documented and has no real hierarchical leadership which has been established nationally. As we know, the gang

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Mara Salvatrucha or MS-13 and their violent world established in Los Angeles when some of the MS-13 members migrated back eastwardly and began to form cliques or (clickas) that operated as independent appendage. The communication was coordinated on a regular basis with members from the regions for the purpose of new member recruitment and criminal activity. The communication's purpose was to deescalate any conflicts. The FBI also believes that the Los Angeles MS-13 has an elevated place of consideration across the nation and with this respect factor in place; the MS-13 gang is heading toward a national leadership grouping (DeAmicis, 2010, pp-10-11).

According to United States Attorney General Sessions (2017):

MS-13 has about 10,000 members in the U.S and 30,000 members abroad (Crimesider Staff, May 1, 2017).

Born in the United States, Jose Juan Rodriguez, AKA Dreamer or Sacerdote was given this name by his MS-13 gang the Hollywood Locos. "Dreamer" had previously caught the eye of the Mexican Mafia, the largest prison based gang. He used his influence and arranged a conference call on October 6, 2013 that was monitored by the U.S. authorities who formed a federal case that was filed in New Jersey. This conference call was arranged between east and west coast gang members, and El Salvador gang member affiliates. During his call "Dreamer" called for the need to organize with the entire unification of the MS-13 throughout the United States. Dreamer leveraged his position with his influence with the Mexican Mafia, which gave him permission to it take upon himself the monumental task of reuniting the entire United States based Mara Salvatrucha under the jurisdiction of a single entity without the consideration of gangs from different regions that had lengthy differences along organizational lines (Garcia, December 1, 2016).

The plan was to illustrate to the Los Senores in La Eme by arranging this alliance with the Knights Templar through the interconnection of his gang throughout the entire United States. This would generate more revenue that would be able to establish many more new drug markets inside new virgin territories that have never been established, such as the following: New Jersey, North Carolina, Virginia, Maryland and New York (Garcia, December 1, 2016).

This will still be a monumental task due to the politics of the east and west coasts. Their relationship has never been harmonious. The crux of the problem is the west coast based gang believes that the east coast based gang does not share in the same esprit de corps. However, there does exist some support of this national plan by gang affiliates such as: Hudson County, New Jersey. The leader Carlos Andres Valdez, alias "Catracho," of the Hudson gang, the Locotes Salvatrucha, absolutely supports the plan. Also, Payaso who is the leader of the Park View Locos also supports the plan. Maryland based gangs such as Dalmacia Criminals and the Langley Park Salvatruchos are major supporters of the plan (Garcia, December 1, 2016).

Lastly, the national plan did not sit well with El Salvador. Dreamer floated the idea of becoming a part of the national program and they flatly turned him down.

According to Garcia (December 1, 2016):

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Sacerdote was not happy, and all types of financial or in-kind help that Salvadorans received from their US associates stopped. Mafioso claims that they simply stopped answering the Salvadoran requests for money or shoes or other goods. "To us they were a bunch of idiots, they did not want [to join the plan]. Ok, that's fine, but forget about receiving help from us. We used to send them money, we don't anymore, and now they're bothering us," he said (pp-12).

MS-13 will continue to attempt to bring the merger of west and east coast gangs together. Still there is a lot of politics ahead of MS-13. The capture of Servando Gomez Martinez or aka La Tuta by Mexican Federal Police in Michoacán, Mexico on February 27, 2015 can place a roadblock in this alliance between the Mexican Mafia, MS-13 and the Knights Templar. Law enforcement will be monitoring this development.

Another major concern is how MS-13 entrenches itself into our communities through their illegal entry into the country from Central America and through their recruitment of new members from our schools and neighborhoods (US Official News, 2017).

To illustrate just how dangerous the MS-13 street gangs are in real time, and how unpredictable these thugs can be, is reflected by other street gangs as stated below by State Trooper Robles who is part of a gang task force in Hempstead, New York:

According to Robles (2003):

“We get Bloods and Crips who tell us, ‘why don’t you do something about those MS-13 guys – they’re crazy!’”

This statement says it all. This is why the importance of border security is paramount to preventing any more of these MS-13 members from entering the United States from Central America or any other illegals entering our country for that matter. This can be coupled with the Attorney General Jeff Session’s position on MS-13 and his Department of Justice to provide all law enforcement with the tools that they need to continue to keep our citizens safe by placing the full weight of the criminal justice system on their criminal enterprise by deporting these criminals back to their country of origin as quickly as possible. It is important to send these criminals a message that intimidating and terrorizing our communities, and breaking our laws, will not be tolerated.

Our communities have been experiencing the wrath of MS-13 as in the recent case that happened in Brentwood, New York and unfortunately, other similar events that are happening all across our country.

In the case of our schools, they have always represented safety for our children and a place where they can receive a good education without being in fear of their personal well-being and safety being endangered. In most cases, this is the rule, and not the exception. In the following case that has just recently happened in 2016 three Brentwood High School students were brutally murdered. A 41 criminal count indictment by a federal court in Central Islip, New York was handed down on 13 members of the violent street gang MS-13. Some of these charges consisted of racketeering, seven murders, attempted murders, assaults, obstruction of justice, arson, and

conspiracy to distribute marijuana, and related fire arms and conspiracy charges. There was an execution of a search warrant served at these MS-13 leaders' homes: Alexi Saenz also known as (aka.) "Blasty" and "Big Homie", and Jairo Saenz aka as "Funny." When serving the warrant in the morning law enforcement investigators found a cache of weapons consisting of: a loaded 9 millimeter (mm) semi-automatic handgun, a large quantity of ammunition, including: 9-mm, 38-caliber (cal), and other different ammunition. Also found were machetes, a sword, a hatchet and knives (US Official News, 2017).

The victims of this heinous crime were Nisa Mickens and Kayla Cuevas who were killed on September 13, 2016, and the heinous murder of Jose Pena-Hernandez, who was killed on June 3, 2016. His skeletal remains were found on October 17, 2017. All of these victims were students who attended Brentwood High School, and their bodies were found in September 2016 (US Official News, 2017).

According to Robert Capers United States Attorney General for the Eastern District of New York (2017):

"The murders of these teens are particularly disturbing," said Capers, who described the killings as being perpetrated by "MS-13 gang members swinging bats and machetes." He said that Mickens was so badly beaten around her head and face that she was barely recognizable. Capers also told reporters on Thursday that Cuevas was "marked for death" because she had apparently feuded with some gang members over social media, and that Mickens was simply "in the wrong place at the wrong time. In the month of October, the police found the skeletal remains of 18 years old, Jose Pena-Hernandez, who was known as a notable MS-13 member found in a wooded area in near approximant vicinity of Pilgrim Psychiatric Center (Crimesider staff, March 2, 2017)."

Capers also stated (2017):

"Pena-Hernandez was allegedly murdered because gang members suspected he was cooperating with law enforcement and had violated other gang rules. The prosecutor said the defendants charged with his murder – including several juveniles and two defendants who are still at-large – "lured" Pena-Hernandez to a remote area where "he thought he was surrounded by friends, but those friends turned on him. "When asked about the immigration status of the defendants, Capers said "that 10 are in the country illegally, two have green cards, and one is a U.S. citizen (Crimesider staff, March 2, 2017)."

There is stress for each community that has to endure this violence and deal with the unknown every day. Helicopters hovering overhead all hours of the night, spotlights scanning their lawns, and their bright lights penetrating into their bedroom windows. Then terrible thoughts creep into their conscious as it did to Stephanie Spezia who is a resident and has lived there for many years in the Brentwood, New York area. This community is the heart of this Long Island suburb where they are caught up in the midst of the street gang MS-13 who may be connected to Central American ties! The parents of this community are in fear of losing their children every time they send them off to school and worry if their sons and their daughters will return home due to the violence that exits on their streets by this street gang (Torrens, Eltman & Long, 2017). This

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violence has happened to communities all across the county with reports that MS-13 has infiltrated 40 states.

In the Section IV of this paper this author will address how some states are legislating laws to deal with this dangerous gang.

#### **IV. Recommendations**

This section will attempt to assist states in prosecuting street gangs such as MS-13 with legislated laws as in the examples provided for the state of Virginia. The two following bills that were passed into law was HB 588; Machete; illegal to brandish machete in threatening manner and another example, SB 561 Gang information; juvenile records. Most importantly, the recent legislation just recently passed by the House of Representatives like H.R. 3003 “No Sanctuary for Criminals Act” and H.R. 3004 “Kate’s Law.” Both these laws were passed by the House on June 29, 2017. These two last pieces of legislation now awaits the Senate’s vote. If these two bills are passed by the Senate, President Trump has publicly stated that he eagerly waits for these bills to cross his desk for immediate approval. These laws can be vital in assisting our Criminal Justice System: Police, Courts and Corrections which allows more authority to assist in the fight to regain our country back through the enforcement of laws and deportation of those criminals such as a large portion of MS-13 who presently are living in our country illegally. So far, the following deportations of MS-13 has been documented and the following figures were released by the Department of Homeland Security (DHS) and reported by Lee from the Washington Post.

According to Lee (2017):

From fiscal 2016 to fiscal 2017 (as of June 4), ICE made 602 criminal arrests of MS-13 gang members and associates, which resulted in 153 convictions, according to Department of Homeland Security (DHS). Of course, fiscal 2016 predates Trump’s presidency as well. Still, there has been an increase in the rate of gang deportations to El Salvador, and Salvadoran officials are preparing for more. The U.S. government deported 398 gang members to El Salvador so far this year, compared with 534 in all of 2016,

With the cooperation and the full support of the Trump administration all law enforcement agencies, on the federal, state and local levels will no longer become hamstrung through regulations and policies as in the past Obama administration. The following laws will further assist states that will again be able to deal with these criminals with the full support of the Department of Justice who will allow law enforcement to enforce the letter of the law.

The following laws were legislated in the State of Virginia. “HB 588; Machete; illegal to brandish a machete in a threatening manner. A machete is an up close and personal weapon used by MS-13 to instill terror and intimidation into their potential victim(s). The State of Virginia addressed this issue:” The following legislation is summarized below:

Crimes; brandishing a machete; penalty. Makes it illegal to brandish a machete, with a 12 inch blade or longer, with intent to intimidate, and includes such offense as one of the predicate criminal acts that defines street gang activity. The penalty for a violation of this section is a Class 1 misdemeanor, or if the violation occurs on or within 1,000 feet of any public, private, or religious school, a Class 6 felony. The bill makes an exception for excusable or justifiable self-defense (HB 588, 2006).

According to reference.com. The following definition defines a Class-6 felony:

A Class 6 felony in Virginia is defined as a crime that meets the criteria for the "felony" category with the least of authorized punishments associated with it. Class 6 felony crimes in the state of Virginia include reckless endangerment and violation of a court order (Reference.com, 2017).

One of the major reasons this law was originally introduced by Del. Vivian A. Watts (D-Fairfax, VA) was the response in several high profile crimes. In May, 2004, a gang member of the MS-13's South Side Locos was attacked by a rival gang member in Fairfax County where a machete was used, and the result of this attack was that a gang member lost four of his fingers. In another similar incident that happened eight months later, a man who was 25 years old was assaulted by an MS-13 gang member who used a machete in the attack where this victim lost 3 of his fingers. This assault happened outside a Merrifield movie theater (Jenkins, 2006).

According to Watts (2006):

The machete is a symbol of a lot of these gangs, "Watts said. "The bill is a way of trying to arrest [gang members] before they actually commit a crime with a machete."(Jenkins, 2006).

The next bill: SB 561 Gang information; juvenile records is also an excellent resource for law enforcement. Here is the following synopsis of that bill:

Gang information; juvenile records. Requires the Departments of Corrections and Juvenile Justice to collect information on individuals identified as criminal gang members and transmit it to the Commonwealth's Attorneys' Services Council. The Council will disseminate the information to attorneys for the Commonwealth. The bill also specifies that law-enforcement agencies, school administrations and probation offices are included as entities that may examine certain juvenile records held by the Department of Juvenile Justice if there is a court order determining that they have a legitimate interest. The bill also provides that the information may be provided to a criminal justice agency that is conducting research (HB 561, 2006).

Earlier in my career as a lieutenant at the Allegheny County Bureau of Corrections located in Pittsburgh, Pennsylvania, I was part of a gang task unit that documented incoming gang members. We documented these individuals in a gang book where we recorded their tattoos, and their gang affiliations, and shared it with other law enforcement agencies. These were adult offenders. In juvenile correctional facilities, their records are safeguarded. This SB 561 allows these files to be made more available and shared with other agencies mentioned above through a court order.

There is a necessity for laws that provide a more broadened approach for the "scope of judges" sentencing powers to address leaders or shot callers, or the regular gang-member foot soldiers.

The following statement by Gascon would confirm just why such a law would be vital to address these types of prison sentences.

According to Gascon (2006):

Unlike the Cosa Nostra, with its well-established command and control structures, however, MS-13 gangs (and most other street gangs as well) are a loose network of mostly independent groups. That it is why it is a mistake to spend valuable time on complex, organized-crime-style prosecutions to obtain multiple life sentences for a few perceived top leaders. More effective is to cast a wide net to snag as many gang members as possible. Sending many gang members to prison for eight to 15 years is a more effective crime deterrent than sending a few leaders to federal prison for 25 years to life, because this strategy separates current gang members from their possible recruits and allows time for prevention and intervention programs to take hold with younger generations(pp-1).

This type of legislation is needed to allow the courts a much broader variety of judicial discretion to incarcerate these gang members to a much more lengthy prison sentence. As Gascon stated, in dealing with identifying the few leaders from the foot soldiers of the MS-13, this legislation provides the courts with more sentencing discretion to address both groups and hand out more lengthy prison terms.

Recently, there has been a plague that has fallen over New York by MS-13 and other gangs that has a significant effect on a minority population of immigrant communities. It places a huge target on African Americans and Latino teens who commit crimes such as extortion, beatings and homicide. There is migration of people, especially the illegal youth trying to escape because of violence in their home countries such as in Central America who have streamed north to the United States since 2013. This policy allowed people that fell under the age of 18 years old to enter into the U.S. without parents who were permitted to stay with relatives or friends temporarily. Long Island has been the recipient of this policy where 165,000 unaccompanied minors became a popular arrival point (Saint Louis-Post-Dispatch, 2017).

President Trump and his United States Attorney General Jeff Sessions, has showed grave concern for the rise in MS-13 throughout the country, especially in the Long Island area.

The United States Attorney General spoke in Central Islip, NY and stated the following (2017):

“He believed gang members used this system to come north, too (Saint Louis-Post-Dispatch (2017).”

According to the Saint Louis-Post-Dispatch (2017):

In a recent roundup of 13 MS-13 gang suspects accused of murder and other crimes, seven had entered as unaccompanied minors. MS-13 is recruiting these children.

Suffolk County Police Commissioner Timothy Sini stated (n.d.):

“Nearly 200 MS-13 gang suspects have been rounded up since September. Among the tactics Sini has employed have been stepped-up patrols, renewed cooperation with FBI task force and helicopter sweeps of areas where gang members gather.” (Saint-Louis Post-Dispatch, 2017).

This violence has been propagated by the likes of MS-13 on Long Island. A two-pronged approach is very important. The police side and the corrections side of the criminal justice system must work hand-in-hand in the destruction of this group so it can guarantee that these thugs and brutal illegal MS-13 gang members must be deported forthwith.

I asked former New York City Department of Correction Bureau Chief Peter Curcio a two-pronged question to provide his perspective and recommendations on how the agency deals with MS-13 and other Security Threat Groups when they would enter the New York Department of Corrections jail system. Also, since New York City is a sanctuary city, how are illegal MS-13(s) and other illegals who are incarcerated and how that information is disseminated to the U.S. Immigration Custom and Enforcement (ICE) for deportation?

Answer to Question-1:

The most important step when new potential gang members come into a facility is to try to identify through all means the affiliation of the individual. This will help make good placements with like and unlike gang members or threat groups related to the inherent challenge. On Rikers, the predominate gang has always been the bloods based upon the predominance of African American males incarcerated in the system. Other gangs such as the Latin Kings, NETAs and MS-13 do recognize the Bloods as the predominant group and defer some internal authority to them but will press back if the bloods try to dominate too far. They don't openly display their colors or affiliation and try to stay in their lane and the MS-13 is much greater in jails in Long Island in Nassau and Suffolk Counties.

Answer to Question-2:

Not too many MS-13 entering Rikers/NYCDOC because frankly they are migrating more to Nassau and Suffolk counties and if they do come into NYCDOC they drop their flags aka downplay their gang affiliation because bloods are still the predominant gang. No one is reported to ICE, they come in on whatever street crime that they came in on and once that is satisfied they cut them loose unless ICE finds out they are there and drops a retainer in which case the agency won't let them go with an active detainer served to NYCDOC. If during intake their gang affiliation is discovered through tattoos or other means they are recorded in a data base and tracked and the agency philosophy is to intermingle the gangs in different housing units in a ratio as best can be peppered and try to monitor their activity and make sure they get along to the extent they can. They don't want to isolate the different groups and create powerbases (P. Curcio (personal communication, July 18, 2017).

If the following bill H. R. 3003 "No Sanctuary for Criminals Act", is passed by the Senate, and then signed into law by President Trump, we need to examine excerpts of the following bill below if enacted into law as to how it will impact these sanctuary cities and how it will address different issues such as the one cited above by Chief Curcio.

ACT

To amend the Immigration and Nationality Act to modify provisions relating to assistance by States, and political subdivision of States, in the enforcement of Federal immigration laws, and for other purposes.

To amend the Immigration and Nationality Act to modify provisions relating to assistance by States, and political subdivision of States, in the enforcement of Federal immigration laws, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This act may be cited as the “No Sanctuary for Criminals Act”

(1) by striking subsection (a) and inserting the following:

“(a) IN GENERAL.—Notwithstanding any other provision of Federal, State, or local law, no Federal, State, or local government entity, and no individual, may prohibit or in any way restrict, a Federal, State, or local government entity, official, or other personnel from complying with the immigration laws (as defined in section 101(a)(17) of the Immigration and Nationality Act ([8 U.S.C. 1101\(a\)\(17\)](#))), or from assisting or cooperating with Federal law enforcement entities, officials, or other personnel regarding the enforcement of these laws.”;

(2) by striking subsection (b) and inserting the following:

“(b) LAW ENFORCEMENT ACTIVITIES.—Notwithstanding any other provision of Federal, State, or local law, no Federal, State, or local government entity, and no individual, may prohibit, or in any way restrict, a Federal, State, or local government entity, official, or other personnel from undertaking any of the following law enforcement activities as they relate to information regarding the citizenship or immigration status, lawful or unlawful, the inadmissibility or deportability, or the custody status, of any individual:

“(1) Making inquiries to any individual in order to obtain such information regarding such individual or any other individuals.

“(2) Notifying the Federal Government regarding the presence of individuals who are encountered by law enforcement officials or other personnel of a State or political subdivision of a State.

“(3) Complying with requests for such information from Federal law enforcement entities, officials, or other personnel.”

(3) in subsection (c), by striking “Immigration and Naturalization Service” and inserting “Department of Homeland Security”; and

(4) by adding at the end the following:

**“(d) COMPLIANCE.—**

“(1) **ELIGIBILITY FOR CERTAIN GRANT PROGRAMS.**—A State, or a political subdivision of a State, that is found not to be in compliance with subsection (a) or (b) shall not be eligible to receive—

“(A) any of the funds that would otherwise be allocated to the State or political subdivision under section 241(i) of the Immigration and Nationality Act ([8 U.S.C. 1231\(i\)](#)),

Federal Grant programs will be affected such as the following example:

The ‘Cops on the Beat’ program under part Q of title I of the Omnibus Crime Control and Safe Streets Act of 1968 ([42 U.S.C. 3796dd](#) et seq.), or the Edward Byrne Memorial Justice Assistance Grant Program under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 ([42 U.S.C. 3750](#) et seq.).

(a) **IN GENERAL.**—Section 287(d) of the Immigration and Nationality Act ([8 U.S.C. 1357\(d\)](#)) is amended to read as follows:

**“(d) DETAINER OF INADMISSIBLE OR DEPORTABLE ALIENS.—**

“(1) **IN GENERAL.**—In the case of an individual who is arrested by any Federal, State, or local law enforcement official or other personnel for the alleged violation of any criminal or motor vehicle law, the Secretary may issue a detainer regarding the individual to any Federal, State, or local law enforcement entity, official, or other personnel if the Secretary has probable cause to believe that the individual is an inadmissible or deportable alien.

**SEC. 3. CLARIFYING THE AUTHORITY OF ICE DETAINERS.**

(a) **IN GENERAL.**—Section 287(d) of the Immigration and Nationality Act ([8 U.S.C. 1357\(d\)](#)) is amended to read as follows:

**(d) DETAINER OF INADMISSIBLE OR DEPORTABLE ALIENS.—**

“(1) **IN GENERAL.**—In the case of an individual who is arrested by any Federal, State, or local law enforcement official or other personnel for the alleged violation of any criminal or motor vehicle law, the Secretary may issue a detainer regarding the individual to any Federal, State, or local law enforcement entity, official, or other personnel if the Secretary has probable cause to believe that the individual is an inadmissible or deportable alien.

“(2) **PROBABLE CAUSE.**—Probable cause is deemed to be established if—

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“(A) the individual who is the subject of the detainer matches, pursuant to biometric confirmation or other Federal database records, the identity of an alien who the Secretary has reasonable grounds to believe to be inadmissible or deportable;

“(B) the individual who is the subject of the detainer is the subject of ongoing removal proceedings, including matters where a charging document has already been served;

“(C) the individual who is the subject of the detainer has previously been ordered removed from the United States and such an order is administratively final;

“(D) the individual who is the subject of the detainer has made voluntary statements or provided reliable evidence that indicate that they are an inadmissible or deportable alien; or

“(E) the Secretary otherwise has reasonable grounds to believe that the individual who is the subject of the detainer is an inadmissible or deportable alien.

In summary, the violation of this Federal Law, H.R. 3003, would impact these sanctuary cities by blocking them from qualifying for grants from the Department of Justice or Department of Homeland Security. The cities which would defy this law would be subject to lose their federal funding and those allocations for those cities that did not comply, would find their funds relocated to localities that were in compliance with federal law (White House, 2017).

Lastly, there is outrage from families who have lost a loved one from violence caused by illegal immigrants in our country, such as the victim in the shooting and alleged murder of 32 year-old, ”Kathryn Kate Steinle”, who was fatally shot on July 1, 2015 allegedly by Juan Francisco Lopez-Sanchez, who is 54 years of age. Ms. Steinle and her father were out enjoying the day walking in San Francisco’s beautiful Embarcadero waterfront on Pier 14 when she was allegedly shot in the back of the head by Lopez-Sanchez who was arrested later that day and charged with Ms. Steinle’s murder (Lamb, O, 2017).

According to Lamb, J.L. (2017):

Lopez-Sanchez, who is from Guanajuato, Mexico, had been released from San Francisco County Jail several months before the shooting. Never convicted of any violent felonies, Lopez-Sanchez was transported to the city from a federal prison on a years-old marijuana possession warrant. The charges in that case were dropped once he returned to the city. Law enforcement did not alert U.S. Immigration and Customs Enforcement, per sanctuary city policies, and Lopez-Sanchez was released. Before his release, ICE had asked for a notification, but the request was not honored by the Sheriff’s Department because of The City’s Due Process Ordinance. The actions of the Sheriff’s Department came under fire, but then-Sheriff Ross Mirkarimi said city law and federal court decisions prevented his department from releasing anyone to ICE if no court order has been produced, (Lamb J.L., 2017).

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Lopez-Sanchez had been previously deported on 5 other occasions back to his home country. Because of the horrendous and senseless acts of violence that has happened in other cases by illegal alien criminals, and now to the Steinle family, the Kate's Law H.R. 3004 was presented and passed before the House and now waits for the passage of this bill by the Senate and then onto the President's desk for signing into law.

This law, if enacted, will address deported aliens who would reenter the U.S. illegally with a previous felony conviction, or on their criminal record possess three misdemeanors. He or she would be incarcerated in prison up to 10 years. In another case, if an illegal would reenter the U.S. who has been deported three or more times, these individuals would also serve up to 10-years (H.R. 3004, 2017).

## **V. Conclusion**

In this paper, it has been established just how dangerous Mara Salvatrucha (MS-13) can be to our citizenry and our law enforcement. It has also been determined that for the past eight years law enforcement on the federal, state and local levels have been restrained by certain failed policies and laws like Catch-and-Release and the Trafficking Victims Protection Reauthorization Act. At the head of the Department of Justice (DOJ) is the United States Attorney General, and alongside of the United States Attorney General is the United States Secretary of the Department of Homeland Security (DHS). These two huge departments, must collaborate in cooperation by unleashing the full weight of the DOJ and the DHS to arrest, incarcerate and deport as many of these depraved thugs that instill fear in our youth and who commit the most heinous crimes in the United States of America.

In cities like San Francisco, Chicago, and New York City to mention a few, these city mayors support their sanctuary city policies. The most recent violence and devastation that has occurred in Brentwood, New York which has rained down on their citizenry, for example, where 3 young teens were brutally murdered at the hands of MS-13. The Mayor of New York City, even after this devastation of all the violence MS-13 commits of his citizenry, still continues to support New York City policies for being a sanctuary city.

Since the fall of 2013, the cause and effect of the violence that has been plagued by a mass immigration of illegal youths who fled their homes from Central America and then fled to the United States because of policies which were created by the Obama administration. These U.S. policies allowed people under the age of 18 to enter the U.S. without parents and were permitted to live with relatives. The U.S. has placed 165,000 unaccompanied illegal youths in Long Island, New York. Suffolk County which encompasses Brentwood, and Central Islip, has received 4,500 and in other neighboring counties like Nassau, they have received 3,800. Sini the Police Commissioner of Suffolk County stated: “The youngsters don’t have an established social network, at least many of them don’t, and MS-13 is providing that network.”(Crimesider Staff, May 1, 2017).

The new bills like the H.R. 3003 “No Sanctuary Criminals Act” and H.R.3004 “Kate’s Law” has been passed by the House of Representatives and now rests in the United States Senate. If the U. S. Senate does pass this legislation and President Trump signs it into law, these sanctuary cities who maintain their defiance will lose their federal funding. However, if these mayors do not comply with federal law, they also need to be held culpable criminally and charged with obstruction of justice.

According to the Free Dictionary by Farlex:

Obstruction of justice in the federal courts is governed by a series of criminal statutes (18 U.S.C.A. §§ 1501–1517), which aim to protect the integrity of federal judicial proceedings as well as agency and congressional proceedings.

Lastly, in this writer’s humble opinion, MS-13 and other street gangs must be dealt with using the full weight of the DOJ and DHS. These federal agencies such as ICE and the United States

Border Patrol finally have the full support of the Trump administration, Department of Justice and the Department of Homeland Security who are enforcing all federal laws. Our borders are no longer porous and are reflected by this NPR report below on the significant reduction of illegal crossings with border security since the arrival of the Trump administration and his first 100 days.

According to Joel Rose from the NPR (2017).

Apprehensions at the southern border fell drastically from more than 40,000 per month late last year to 18,754 in February, and just 12,193 in March. The administration is going out of its way to highlight those numbers. "Last month was the lowest month for immigration illegally into our country in 17 years," said Attorney General Jeff Sessions at a news conference in El Paso, Texas, last week. "That is a remarkable thing to accomplish." Away from the border, arrests by immigration agents were up by about a third during the first three months of the year, to 21,362, compared with 16,104 during the same period in 2016. The data also show that federal agents are arresting more unauthorized immigrants who don't have criminal records: 5,441 during the first few months of the year, compared with 2,278 last year.

The key to win the fight against MS-13 and other illegal immigration criminal entities is the implementation of strong immigration policies as well as the enhancement of strong border security with the addition of the construction of building a border wall on our southern border. This wall security would best be served in having a highly technological addition such as a sophisticated fiber optics cable below ground sensing system that reports above and below intrusions and disturbances such as a detection of a tunnel system or above, the detection of a vehicle approaching the wall. Also needed is strong legislation such as the H.R. 3003 - No Sanctuary Criminals Act and H.R.3004 – “Kate’s Law”, and the cooperation of all law enforcement with the assistance of ICE to deport these illegal criminals and rid them from our country.

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## **Author Biography**

Albert DeAmicis retired from the Allegheny County Bureau of Corrections on June 30, 2004, after 29 years of service. Holding the rank of Captain prior to his retirement, Mr. DeAmicis served as an Assistant Shift Commander and was responsible for developing, coordinating, and authoring the Bureau's *Emergency Preparedness Plans*. In addition to his Assistant Shift Commander title, Mr. DeAmicis held positions as a Correctional Emergency Response Team (CERT) Leader; Director of Training; and Director of Classification, Intake, and Booking. Mr. DeAmicis has earned master's degrees in *Public and International Affairs* and *Public Policy and Management* from the University of Pittsburgh. Presently, Mr. DeAmicis is a faculty member for the *Justice, Law and Security* Criminal Justice Program at LaRoche College, and serves as a visiting instructor for Criminal Justice programs at other universities. Mr. DeAmicis' areas of expertise include: Mexican Drug Trafficking Organizations; Transnational Gangs, such as MS-13; and Outlaw Motor Cycle Gangs. Correspondence regarding this article can be sent to: [Albert.DeAmicis@laroche.edu](mailto:Albert.DeAmicis@laroche.edu)