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## **Final Summary Overview**

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Recipient Organization: American University

Project Title: Assessing the Transnational Criminal Capacity of MS-13 in the U.S. and El Salvador

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### **Purpose**

In October 2012, the U.S. government designated MS-13 as a transnational criminal organization (TCO), raising serious questions about the breadth of the gang's criminal capacity. Some analysts have pointed to a steady growth and professionalization of this criminal organization, but insufficient data has hindered the formulation and implementation of policies aimed at countering this trend. Our multiyear project proposed to fill gaps in the extant literature by conducting qualitative and quantitative research designed to assess MS-13's transnational criminal capacity. More specifically, our objectives were to: 1) conduct extensive interviews with local stakeholders, gang experts, and MS-13 members in three major metropolitan areas, including two in the U.S. and one in El Salvador; 2) analyze qualitative and quantitative data gathered through tested survey and interview instruments and from official sources, with particular attention to the following factors: type of criminal activities, organizational structure, inter- and intra-gang relationships, level of community penetration, accumulation of social capital, development and migration patterns, and recruitment strategies; 3) utilize social network analysis techniques to quantify the social reach of gang member respondents; and 4) disseminate project findings to relevant constituencies in law enforcement, policymaking circles, academe, and the general public.

The purpose of our research was to provide policymakers and law enforcement officials with a comprehensive understanding of MS-13 by measuring the extent and range of the

organization's criminal activity and mapping its social networks. Our goal was to generate empirical data that could serve as a foundation upon which to shape new policies and practices. Specifically, our hope was that the data would provide insights regarding the optimal allocation of law enforcement resources, the likely movements of MS-13, and the design of intervention and suppression strategies.

### **Design, Methods, Participants, and Data Analysis**

Researchers at American University and Arizona State University carried out a mixed-methods study in three metropolitan areas – two in the U.S. and one in El Salvador – to elucidate the nature, structure, and criminal activity of MS-13. Washington, DC and Los Angeles were selected as the two research sites in the U.S. due to the significant MS-13 presence in both locales. In El Salvador, the bulk of data collection took place in the greater San Salvador metropolitan area. However, given the dense network of MS-13 cliques throughout El Salvador, qualitative data was also collected in select localities beyond the capital city to enhance our dataset. Researchers employed both quantitative and qualitative research methods comprised of four key components.

**1) Stakeholder Interviews:** In each metropolitan area, we carried out semi-structured, qualitative interviews with people knowledgeable about MS-13. The interviews focused on understanding the nature of MS-13, including its structure, its domestic and transnational social networks, its mobility and migration patterns, its involvement in criminal activity, and its capacity for engaging in transnational crime. The interview subjects hailed from a wide range of sectors, including criminal justice, the military, social services, the faith community, and non-governmental organizations. Stakeholder interviews were summarized in detailed field notes that were analyzed with the use of qualitative data analysis software.

**2) Police Gang Expert Survey:** Drawing on a methodology developed by the Eurogang working group, we administered a gang expert survey to knowledgeable police officials in each metropolitan area. The gang expert survey we administered is a compact instrument designed to gather systematic data on gangs and troublesome youth groups in different communities. It was designed explicitly for use in comparative research across multiple settings and has been administered widely throughout the U.S. and Europe. Administering the gang expert survey involved identifying police gang experts in each police reporting district in the three sites. Each gang expert was asked to provide detailed information on the nature and scope of MS-13 involvement within that district. The base instrument was used to record the number of MS-13 members in each district, the characteristics of the members, and the nature and extent of their involvement in criminality. The dataset generated by the gang expert survey allowed for systematic comparison of gang or clique features across the three research sites.

**3) Gang Member Survey:** The research team carried out structured interviews with detained MS-13 members located in all three research sites. In El Salvador, surveys were also administered to active community-based gang members using snowball sampling techniques. Interviews generated detailed individual-level data about each member (demographics, education, criminal history, etc.). Data that could be quantified easily was assembled into a database for quantitative analysis. Open-ended interviews that followed the completion of the survey instrument were transcribed for systematic qualitative analysis.

**4) Social Network Analysis:** As part of the gang member survey, researchers worked with respondents to complete an addendum focused specifically on their social networks in order to examine their international and inter-jurisdictional connections. The research team collected information about the ten individuals the gang member respondents reported being closest to,

including whether those individuals were gang members, where they lived, frequency of contact, and their criminal behavior. This social network analysis information gathered via the survey instrument was imported into datasets that were analyzed relying on an ego-centered social network approach. This portion of the study enabled us to better understand the capacity of these networks to facilitate transnational crime.

### **Scholarly and Other Products**

Work on four high-quality, scholarly products is already underway. Abstracts for each of the peer-reviewed scientific journal articles are included below. The first is being revised for resubmission, and the remaining three are in progress.

#### **1) The Nature and Structure of MS-13 in the U.S. and El Salvador: Evidence from Three Metropolitan Areas** (Edward R. Maguire, Maya Barak, and Charles M. Katz)

MS-13 is a Salvadoran gang that has inspired fear in El Salvador and elsewhere, including several jurisdictions in the United States. In 2012, the U.S. Treasury Department classified MS-13 as a Transnational Criminal Organization. Although MS-13 has generated significant government and news media attention, very little systematic empirical research on MS-13 has taken place. This paper examines the nature and structure of MS-13 in three metropolitan areas, including one in El Salvador (San Salvador) and two in the United States (Los Angeles and Washington, DC). Based on a methodology developed by the Eurogang research team, the authors designed and administered a “gang expert survey” to 108 law enforcement gang experts, including 27 in San Salvador, 62 in Los Angeles, and 19 in Washington DC. Our results reveal the differences and similarities between MS-13 cliques in these three metropolitan areas.

#### **2) The Differences in Ego Networks between MS-13 Gang Members in Los Angeles**

**and El Salvador** (Andrew M. Fox, Lidia E. Nuño, Charles M. Katz, and Edward R. Maguire)

This paper compares the nature of ego networks of MS-13 gang members in both Los Angeles and El Salvador. We used data collected through interviews of detained MS-13 gang members in Los Angeles County Jail (n= 37) and active gang members in El Salvador (n=89). Network structure (density and centralization) and network homophily (residency and citizenship) are compared across samples. Specifically, we assess whether the residency and citizenship of the gang member's ego network is related to the likelihood of criminality. Additionally, we examine how network structure is related to involvement in human, gun, and drug trafficking. Implications for immigration policy and crime prevention are discussed.

**3) A Game of Cat and Mouse: MS-13, Police, and Legal Consciousness** (Maya Barak, Lidia E. Nuño, Edward R. Maguire, and Charles M. Katz)

Based upon comprehensive surveys and in-depth interviews with active MS-13 gang members and law enforcement officials in the Washington, DC, and Los Angeles metropolitan areas, this paper explores the ways in which members of the notorious MS-13 gang learn about, adapt to, and understand the law. We begin with a brief examination of legal consciousness literature, paying special attention to the ways that it has—and has not—been applied in the criminal justice and *Latinx* contexts. Next, we describe how members of MS-13 learn about law, as well as their attempts to outsmart the law. Finally, we examine MS-13 positionality toward the law as embodied in the state and the gang itself, comparing and contrasting MS-13 members' views on gang rules and formal law.

**4) MS-13 vs. the Police: Contested Definitions of Gang Membership** (Maya Barak, Tyler Hay, Kenneth Sebastian Leon, Edward R. Maguire, and Charles M. Katz)

Based upon comprehensive surveys and in-depth interviews, this paper examines the

question of gang membership from the perspectives of law enforcement agents and active MS-13 members on the East and West coasts. We draw attention to law enforcement's tendency to lump together gang members with non-members, highlighting divergent cultural, organizational, and legal meanings of gang membership. Ultimately, we argue in favor of a more contextual, intersectional understanding of gang membership to reduce the undue criminalization of immigrant and minority youth.

In addition to these four scholarly products, we recently released a comprehensive investigative report on MS-13, ["MS-13 in the Americas: How the World's Most Notorious Gang Defies Logic, Resists Corruption."](#) The report details research findings across research sites in El Salvador and the U.S. in a format accessible to policymakers, policy analysts, law enforcement officials, journalists, and the general public. The report was presented at the Inter-American Dialogue in Washington, DC to a group of over 100 stakeholders and at a public symposium at the University of California, Fullerton.

### **Implications for Criminal Justice Policy and Practice**

Beyond advancing our scientific understanding of MS-13, its structure, and its transnational capacity, our findings have significant potential for improving the understanding of MS-13 among criminal justice policymakers and practitioners. Below we attempt to synthesize some of our research's major implications for criminal justice policy and practice in the U.S., while noting that our findings will be refined further as we complete the scholarly and journalistic products mentioned previously.

Our research has generated significant evidence that MS-13 remains largely a hand-to-mouth criminal enterprise. While the group has made small strides into transnational criminal activities and diversified its criminal portfolio, MS-13 remains a relatively rudimentary criminal

organization that draws in recruits via violent rituals, many of who are seeking protection from MS-13's own brutality and that of rival gangs. In this sense, MS-13 functions more as a hyper-violent social club than a sophisticated transnational criminal organization. The gang's principal interest remains creating and promoting a central ethos ("us-versus-them") based on violence, as opposed to generating financial capital. The criminal group's chief strategy vis-à-vis other gangs is to demonstrate its willingness to exceed the norms of violent conduct.

With respect to prevention efforts, our findings suggest that resources should focus on younger gang members from El Salvador who shown a greater penchant for wanton violence and mayhem. In fact, youth and country of origin appear to be the only common denominators in recent episodes of violence committed by MS-13 affiliates in the United States and El Salvador. MS-13 members reared in El Salvador have shown a willingness to commit brutal acts of retribution (against perceived rivals and, in El Salvador, against security forces and relatives of security forces) that have frightened even their presumed overlords on the streets and in jails.

That said, some youth on the fringes of gang involvement are not full-fledged members, nor do they want to be. Gang membership is coveted and difficult to obtain. In fact, project data suggest that there are far fewer "members" than government figures estimate. This common finding underscores the need for a more contextual, intersectional understanding of gang membership in order to reduce the undue criminalization of immigrant and minority youth. Distinguishing members from so-called "wannabes" is also critical to rehabilitation efforts, as those who have not been fully initiated have a better chance of extracting themselves from gang involvement unscathed.

The findings suggest that isolating gang-riddled communities rather than providing citizens protection will continue to fuel gang activity. Criminalizing immigrant communities also

undermines prevention and enforcement efforts. Those entering gang life often do so because they are searching for protection. If governments can provide security to citizens before the gang does, one of the key factors incentivizing recruitment would be eliminated. If law enforcement officials inspire confidence instead of fear, local communities will support anti-gang efforts.

The data also suggest that increased violence in the U.S. and El Salvador does not appear to be part of a comprehensive strategic plan. The violence in the U.S. is likely related to efforts to re-activate dormant cells or establish the presence of new ones, but various dynamics are at work. First, the gang in El Salvador sought a more powerful political role via a gang truce in El Salvador, which allowed the gang leadership to reassert control over its mid-level commanders and soldiers. For reasons not necessarily related to the gang, many of these underlings have migrated north and answer to the leaders in El Salvador and are pushing for “commitment” from these less active cells in the U.S. Second, gang leaders in many areas have tried – and failed – to create a clearer hierarchy to help the gang enter more lucrative criminal markets such as international drug trafficking. The violence is a byproduct of this push. MS-13 does not appear to be fighting for more operational territory; rather, it seems they are committing violent acts to establish their brand. None of these efforts appears to be coordinated, nor is there evidence of increased sophistication.

Notwithstanding the above-stated efforts, we have found that MS-13 has limited transnational criminal capabilities as it relates to drug trafficking. Our research has documented various attempts by the gang to become a more integral part of the drug trafficking distribution chain. However, none of these have come to fruition, nor did they last for any extended time period. When these efforts involved larger criminal groups, MS-13 was not the principal beneficiary. In some instances, we found evidence of members working with the gang; in other

instances, however, members appeared to be freelancing.

Jails in both the U.S. and El Salvador are critical components of the operational structure of the gangs, and more control is needed to limit members' access to communications technology. In both U.S. and Salvadoran penitentiaries, gang leadership is concentrated in and operates mostly from jails. In El Salvador, the leadership is almost entirely incarcerated. In California, large numbers of MS-13 members work from prisons and detention facilities, under the auspices of their patrons, the Mexican Mafia. (On the U.S. East Coast, MS-13 appears to exert less control over prisons, with the possible exception of the Metropolitan Detention Center in Brooklyn.) The activity of incarcerated MS-13 members in California is largely due to the poor control authorities exert over the gang members in jail and their ability to access and use technological equipment. To cite but one example, a federal law enforcement officer told researchers that one gang member incarcerated in California was calling and sending as many as 500 texts a day in order to facilitate his fledgling drug trafficking business that operated from Mexico through California and into Arkansas and Oklahoma.

The confines of prison have given certain criminal actors, such as the Mexican Mafia, leverage over other criminal groups, including MS-13. Now it appears as if MS-13's pervasiveness in El Salvador has given Salvadoran gang leaders unusual leverage over their members in El Salvador and other countries. While younger members revere them, MS-13 leaders in El Salvador are also feared, and they have incredible reach. The result is that the leaders in El Salvador have assumed a role similar to the role played by the Mexican Mafia in California. They demand and receive tribute; they green-light and order murders far from their homeland; they attempt to coordinate international money-making schemes; and they receive weapons from afar for use in El Salvador. The consequences of not following orders are grave.

Gang members and their family are frequently targeted in cases of non-compliance.

Law enforcement efforts must take into account the multi-layered and dynamic nature of MS-13. There is inter-country communication via third parties between MS-13 cliques but little coordination, and shot-callers have short shelf-lives. El Salvador may be an exception to this rule, but distance makes it hard for shot-callers to exert control. Inter- and intra-country movement of gang members is common, and members routinely offer housing to fellow members fleeing law enforcement or rival gangs. Coordinated efforts across borders, particularly in El Salvador, remain focused on satisfying demands for money and weapons. But MS-13 also appears to be taking advantage of international trends (e.g., massive movement of unaccompanied youth to the U.S.). MS-13 members are benefiting from protections under U.S. immigration laws and claiming fear of persecution. These tactics, however, do not appear to be part of a master plan nor are they coordinated from some central headquarters. In other words, MS-13 is not actively seeking to create these circumstances but is ready to use them to the criminal organization's benefit. Thus, intervention and suppression strategies must take into account the presence of MS-13 members among Central American migrant flows.

Intervention and suppression efforts must also keep gang power in perspective. Gangs are political actors in so far as government policies make them so. For different reasons, federal government responses to MS-13 have transformed the criminal organization into a political actor. In El Salvador, the government opened the door to a truce between MS-13 and its principal rival, affording the gang unprecedented political space and protagonism. In the U.S., the federal government has made MS-13 one of the centerpieces of its immigration policy, which has bolstered the gang's image as the most feared in the region. The criminal justice sector must anticipate that MS-13 will take advantage of this political capital.