

Statement of J. Thomas Manger,
Chief of Police, Montgomery County, Maryland
and President, Major Cities Chiefs Association
before the
Committee on Homeland Security and Governmental Affairs
of the
United States Senate

May 24, 2017

HEARING:
Border Insecurity: The Rise of MS-13 and Other Transnational Criminal
Organizations

Summary

Chairman Johnson, Ranking Member McCaskill, distinguished Members of the Committee, I am J. Thomas Manger, the Chief of the Montgomery County (Maryland) Police Department. I also am the President of the Major Cities Chiefs Association, an organization that is comprised of Chiefs and Sheriffs of the sixty-nine largest law enforcement agencies in the United States and the ten largest in Canada. I would like to thank you for the opportunity to address the committee to provide a local law enforcement perspective on the complexities and impact Mara Salvatrucha, or MS-13, and similar transnational criminal organizations are having on communities across the nation.

MS-13 has evolved since it first emerged in Montgomery County in the late ninety-nineties. It has progressed from a group whose members committed petty crimes and were initially considered more of a juvenile delinquency issue to one whose crimes have escalated to acts of extortion, aggravated assaults, and murders. As a result, my department and others in the National Capital Region formed dedicated investigative units that are solely focused on gangs and continue to target MS-13 and other security threat groups that attempt to operate in the region.

Over the last two decades, my department, in partnership with our regional and federal law enforcement partners, along with the U.S. Attorney's Office, have prosecuted cases against MS-13 and its primary rival Barrios 18 or 18th Street. With each major prosecution, the county experienced a period of relative inactivity from the gangs only for them to reemerge after reconstituting their ranks and reestablishing their criminal enterprises.

Beginning in June 2015, Montgomery County experienced a spike in total gang related homicides. In that year, the county had four (4) homicides attributed to MS-13; while there was only one gang related homicide in each of the preceding three years. The marked increase in Montgomery County correlated with the breakdown of a truce between the gangs and the El Salvadoran government and a significant increase in that country's homicide rate. The following year (2016), Montgomery County had three (3) additional MS-13 related murders. In 2017, Montgomery County has not experienced any additional homicides committed by the gang. This reduction coincides with a major Racketeer Influenced Corrupt Organization (RICO) case that task force officers from Montgomery and Prince George's County and agents from the Drug Enforcement Administration (DEA) and Homeland Security Investigations (HSI) conducted that netted several indictments of top Maryland based MS-13 leaders. However, two MS-13 associates were murdered after an altercation with an unidentified suspect in a local shopping mall in what is still an open case. In a highly-publicized incident earlier this year, a 15 year-old female runaway from the county was killed in a neighboring jurisdiction by MS-13 gang members and associates. Reminding us that our work against the gangs is ongoing and must continue.

It is important to note that during this same time frame, Montgomery County experienced seven (7) homicides that were attributed to two other local "crews" or gangs. These murders appear to be motivated by illegal drug transactions, whereas the MS-13 gang murders appear to be based on the victim's perceived or actual affiliations with rival gangs. Furthermore, committing a homicide is a means for gang members to elevate their status within the gangs. What also distinguishes the MS-13 murders, is the premeditation, brutality and callousness in which they were committed; with many of the victims suffering from multiple blunt force trauma and stab wounds and left in shallow graves in isolated wooded areas.

Although difficult to track, other gang related crime in the county appears to be statistically flat. However, the police department has noted disturbing changes in the gang's overall strategy. In addition to the homicides I have already mentioned, we have heard from community members that the gangs, which historically extorted money solely from illicit businesses such as "bordellos" and unlicensed "cantinas", are now collecting "rent" from legitimate Latino business owners and residents in certain apartment complexes. In some instances, if the victims of this extortion refuse to pay the fee demanded by the gang, the gang members return with detailed information on the intended victims' family members still living in Central America. The victims here in the United States know that the threat of violence to their extended family in their native countries is a true possibility and the perpetrators are out of the reach of U.S. law enforcement.

This same tactic also is used to coerce young adults to join the gang or do tasks on their behalf. The gangs surf the internet, building dossiers on potential recruits, gathering information on their social networks both here and back in their countries of origin. The data from social media is then used to entice or coerce new prospects. In at least two of the recent MS-13 related murders committed in Montgomery County, the victims were identified, targeted, and ultimately lured to their deaths after they developed fabricated social media relationships and accepted false invitations to meet with female MS-13 associates posing on the internet with promises of having sex with the unsuspecting victims.

Technology also plays a role in hampering law enforcement's investigations against the gangs and other transnational criminal organizations. In our recent case with the DEA and HSI, investigators learned that gang members were using commercially available encrypted "apps" to plot their criminal activities. These applications and other technologies are part of the growing, larger issue of criminal organizations "going dark" and exceeding the current abilities of both local and federal law enforcement to legally monitor conspiratorial communications, even with a court order.

The structure of the gangs also has changed from its inception, further challenging law enforcement's efforts to combat them. MS-13 is no longer strictly a hierarchical organization. Due to their stature or connections, certain members can bypass local leaders in the U.S. and communicate directly with jailed leaders in El Salvador who use smuggled cell phones from within prison. Additionally, gang members move more easily between "cliques" or sub-groups, even in geographically distant areas of the United States. My investigators have apprehended wanted MS-13 fugitives from as far away as Massachusetts and Texas. Likewise, an MS-13 member wanted for homicide in my county was located by U.S. Marshals also in Texas. This demonstrates a vast network on behalf of the gangs that will take a coordinated effort between local and federal law enforcement agencies across the country.

In conclusion, I would like to offer the committee a few recommendations to further assist in targeting MS-13 and other transnational criminal organizations. First, Congress should fund federal, state, territorial and local task forces to focus on gangs. They should be modeled similarly to the Joint Terrorism Task Forces and should have a single, national, coordinated infrastructure led primarily by a federal agency with significant input from local departments. These regional gang task forces will need the full spectrum of support, from centralized intelligence sharing and analysis to prosecution in the U.S. Attorney's Offices, where federal grand juries and firm sentencing have had the greatest impact on disrupting the gangs.

I also urge Congress to act to balance citizens' rights to privacy with law enforcement's need to lawfully monitor and intercept electronic communications regarding criminal activity and potential deadly plots. This expanding issue of "going dark" must be addressed at the federal level to afford law enforcement the legislation and the tools they need to legally access encrypted communications that are used to coordinate criminal activities.

I would like to thank the members of the committee for their time and consideration of these important matters that are having a significant impact at the local level. I am confident that even greater and consistent cooperation and coordination between local and federal law enforcement agencies, along with comprehensive gang prevention and intervention strategies in at-risk neighborhoods, will reduce the gang's ability to operate and instill fear in our communities.

I look forward to answering any questions the committee may have and further discussing any of these issues.

Full Testimony

Local History

MS-13 first emerged in Montgomery County in the late nineteen-nineties and had a relatively small, yet prominent presence. Gang members marked their territories with graffiti, wore specific types of clothes and openly displayed tattoos that easily identified their affiliation with MS-13. Over the next few years, instances of petty vandalism and misdemeanor assaults escalated to cases of extortion and aggravated assault, although they remained relatively infrequent. Investigators had to rapidly educate themselves as to what was originally believed to be solely a West Coast law enforcement issue. Since that time, the Montgomery County Police Department has formalized its gang enforcement efforts and has conducted ongoing operations against the gang, including several major investigations with our regional and federal partners over the last decade.

Do in part to these investigations, MS-13 became less active and changed its tactics. Gang members instituted more stringent operational security measures and were not as obvious about their affiliations in public. In Montgomery County, the gang's graffiti has significantly lessened, gang members no longer flagrantly flaunt specific clothing items or tattoos and attempt to keep a lower profile to avoid the detection of law enforcement and rival gangs. Although more subtle, the gang members still make their presence known verbally and through the display of hand signs that represent their gang. However, the gang's criminal activity would recently become more evident.

Current Trends

Beginning in June 2015, Montgomery County experienced a spike in total gang related homicides. The jurisdiction had one gang related homicide in each of the three preceding years and none in 2011. In 2015, the county had four (4) homicides attributed to MS-13. The marked increase in Montgomery County correlated with the breakdown of a truce between the gangs and the El Salvadoran government. This was followed by a significant increase in that country's homicide rate. The following year (2016), Montgomery County had three (3) additional MS-13 related murders. In 2017, Montgomery County has

not experienced any additional homicides committed by the gang. However, two MS-13 associates were murdered after an altercation with an unidentified suspect in a local shopping mall in what is still an open case. In a highly publicized incident earlier this year, a 15 year-old female runaway from the county was killed in a neighboring jurisdiction by MS-13 gang members and associates.

It is important to note that during this same time frame, Montgomery County experienced seven (7) homicides that were attributed to two other local “crews” or gangs. These murders appear to be motivated by illegal drug transactions, whereas the MS-13 gang murders appear to be based on the perceived or actual rival gang affiliations of the victims. Furthermore, committing a homicide for the gang is a means for the suspects to elevate their status within MS-13. What also distinguishes the MS-13 homicides is the premeditation, brutality and callousness in which they were committed; with many of the victims suffering from multiple blunt force trauma and stab wounds and left in shallow graves in isolated wooded areas.

Other types of gang crime are difficult to track, as the victim is often unaware if their assailant is associated with a gang. Typically, the police department designates a crime as gang related because the perpetrator is identified and is a known validated gang member. Conversely, if a suspect makes a statement, or there is some other indicator present that demonstrates the motive of the crime as furthering the interests of the gang, that classifies the crime as gang motivated. What crimes we have been able to attribute to MS-13, other than homicides, have remained statistically flat. However, the county has recognized some disturbing trends in MS-13 criminal activity.

Most notably, the level and types of extortion have dramatically changed. In the past, MS-13 was known to extort a “tax” on illicit underground businesses such as “bordellos” or houses of prostitution and unregulated “cantinas” or back room bars that operated out of apartments and houses. However, the police department has received secondhand reports of extortion of legitimate Latino owned businesses and of Hispanic residents living in apartment complexes in certain neighborhoods being extorted “rent” from the gang. In some instances, if the victims of this extortion initially refuse to pay the fee demanded by the gang, the gang members return with detailed information on the intended victims’ family members still living in Central America where the threat of violence is more tangible and the perpetrators are out of the reach of U.S. law enforcement.

In some cases, this tactic also is being applied to the recruitment of potential gang members. While there certainly are individuals that are enticed by the power and violence associated with MS-13, there also are a significant number of reluctant members that were coerced or physically intimidated into joining the gang. The tactic of threatening the loved ones still residing in their country of origin is used to pressure those living in the United States to join or act on behalf of the gang.

One of the MS-13 related homicides that occurred in Montgomery County in December of 2015 illustrates the brutality of the gang’s methods, the complexities of the gang’s recruitment and the legitimate fear communities where the gang is active face on a daily basis. In this case, a high school student from a neighboring jurisdiction was trying to distance himself from the gang after associating with one of the local cliques. As he lessened his involvement with the gang and repeatedly failed to perform tasks on their behalf, he was confronted and was physically assaulted as a form of discipline by the gang. He then turned to his School Resource Officer (SRO) and reported the gang related assault. The SRO, along with other officers from the department, took swift action and made several arrests.

The other gang members then intended to kill the now reluctant gang member who had reported the assault to authorities. The gang then arranged a test of loyalty of another member who knew the assault victim. He was instructed to lure the victim to smoke marijuana in a wooded area near the Capital Beltway, so the gang could retaliate against him. The 15 year-old gang member complied with the understanding that the victim would be killed for notifying the police of the earlier assault. Once they arrived at the isolated area, other gang members beat the victim, then stabbed him multiple times, ensuring that all the members present participated. As the victim lay dying, the gang members could hear him continue to gasp for air, so they then literally stoned him to death and dumped his body into a nearby stream.

These vicious tactics utilized by the gang have a chilling effect on the immigrant community. Join the gang or be beaten, pay an extortion or your family will be targeted, go to the authorities and be killed. The forced silence of the community caused by these violent tactics adds to the gang's reputation and power. This is what local law enforcement across this country is faced with when confronting MS-13 and why it is so difficult to combat this group and obtain the trust of the most affected communities.

MS-13's structure also has morphed over time, and has become more difficult to define. Although the gang has a hierarchal structure, it cannot be viewed in a strictly tiered format. The gang has become more fluid in its members' loyalties and clique affiliations allowing for gang members to more easily traverse between subgroups. Additionally, the status and/or personal connections of an individual gang member or an entire clique can allow for the bypassing of the chain of command, allowing for selective adherence to orders. Because some members can go around local gang leaders, due to their stature or ties back in their native countries, they may instead take orders directly from the gang's leadership in El Salvador. The gang also has become more fluid geographically.

For example, an MS-13 gang member charged in a homicide in Montgomery County fled to Texas, where he was subsequently arrested by U.S. Marshals. Similarly, the North Shore Gang Task Force, led by the Federal Bureau of Investigation (FBI) and Massachusetts State Police, reached out to investigators in Montgomery County for assistance in locating a suspect wanted for murder in their jurisdiction who was believed to be harbored in Maryland. County detectives, working with federal Homeland Security Investigations agents, found the gang member wanted in the Massachusetts case accompanied by several other gang members. One of these members was wanted for felony assault in Dallas, Texas. Yet another was believed to be connected to multiple homicides in Houston, Texas. However, at the time of the stop, Texas law enforcement officials did not have sufficient evidence to support charges. This last suspect was taken into custody and subsequently deported, only to return to the United States months later and murdered a 15 year-old girl in Houston in what was described as a satanical ritual. This demonstrates the limitations of deportation when dealing with gang members. This increased transience makes it more difficult for law enforcement to develop intelligence on the gang and identify and apprehend members who commit crimes and then move elsewhere.

Another notable trend is MS-13's use of technology to further the gang's endeavors. Gang members in the United States can now instantaneously reach leaders in El Salvadoran prisons via easily concealed cellular phones. Digital technologies and social media are increasingly means for gang members to target rivals, recruit, securely communicate, and thwart law enforcement efforts to gather intelligence and build cases against them. Searching the internet, gang members look for potential recruits based on their posted social connections and geographic affiliations from neighborhoods both here in the United States and from their countries of origin. Similar to terrorist organizations, they reach out to those

“wannabes” who are actively seeking information or membership into the gang. The internet was also used, in at least two of the recent MS-13 related murders committed in Montgomery County. The victims were identified, targeted, and ultimately lured to their deaths after they accepted fabricated invitations to meet with female MS-13 associates posing on the internet with promises of having sex with the unsuspecting victims.

It was learned from a recent Racketeering Influenced and Corrupt Organization (RICO) case authorized by the U.S. Attorney’s Office and investigated in conjunction with our federal law enforcement partners in the DEA and HSI, and the Prince George’s County Police Department, that MS-13 gang members are exploiting commercially available encrypted “apps” to communicate. These apps prevent communications from being intercepted by law enforcement, even with a lawful court order. This greater issue of “going dark” is not limited to MS-13, or gangs for that matter, but is being used by criminal enterprises and other groups intent on causing harm to the homeland.

Conclusion and Recommendations

MS-13 and other transnational criminal organizations continue to adapt and evolve. Technology allows elements of the gang here in the United States to easily connect with the leadership in their countries of origin. Geopolitical events, such as the collapse of the truce between the gangs and the El Salvadoran government, now have a direct impact at the local level domestically. Gang affiliates in this country have been tasked with increasing their presence in order to generate more revenue as governments overseas heightened their enforcement operations against the gang. Technology, along with the ease in which people can travel, has allowed for the gangs to hinder law enforcements investigations. Encrypted applications prevent local and federal law enforcement from lawfully intercepting conspiratorial communications. The increased mobility of the gangs further hampers law enforcement’s abilities to gather intelligence and allows gang members who are guilty of criminal acts to flee to other MS-13 enclaves to be harbored and avoid apprehension.

Congress and the federal government can continue to help local law enforcement by acting upon the following recommendations. Funding should be made available to establish more task forces, similar to the model used in terrorism investigations. This must include the full spectrum of intelligence gathering and sharing and the resources to conduct in-depth analysis of the information developed. Like the Joint Terrorism Task Forces, it is important that a single, national, infrastructure linking the various geographically based gang task forces be the responsibility of one agency to ensure mission continuity and agency coordination. However, the local law enforcement agencies represented on these task forces need to have an equal role in prioritizing cases and determining where to concentrate resources because they are the ones held accountable by residents and elected officials in the most affected communities.

These federally funded task forces also will need the support of their local U.S. Attorney’s Offices. Deputy Attorney General Rod Rosenstein and his previous staff in the U.S. Attorney’s Office for the District of Maryland have been consistently supportive. They have recently indicted 15 MS-13 gang members, including the Maryland Program Leader in a RICO case that continues to be prosecuted by that office. In Montgomery County’s experience, these complex, long term, federal cases have had the greatest impact on gangs. After each successful case that resulted in multiple indictments of gang members, there has been a period of relative calm. However, the key is to continually maintain the task

forces and regularly target the gangs and not allow the gang to rebuild its ranks and regain its momentum.

Additionally, Congress needs to act to balance the citizens' rights to privacy with law enforcement's need to lawfully monitor and intercept electronic communications regarding criminal activity and potential deadly plots. More and more commercially available encrypted devices and applications are allowing gangs, other criminal enterprises, and even terrorists to digitally conspire illicit plots without the ability of U.S. law enforcement agencies to counter these technologies. This greater issue of "going dark" must be addressed at the federal level to afford law enforcement the legislation and the tools they need to legally access encrypted communications that are used to coordinate criminal activities. Although there may be other viable strategies to target MS-13 and other gangs, these recommendations would have a significant impact in reducing gang activity and its toll on at-risk communities.

Local law enforcement recognizes that MS-13 and other transnational criminal organizations have a strong foothold in certain neighborhoods. The police alone cannot root out the gangs from the communities where they are established. It takes coordination with our regional and federal law enforcement partners to effectively combat the gangs. Local governments must also implement whole of government gang prevention strategies, in addition to their suppression efforts, to be successful. As the gangs rapidly evolve in response to the world around them, so must local and federal law enforcement in order to vigilantly prevent the gangs from becoming stonger. Local communities must be empowered to trust and partner with their police and sheriffs' departments to defend against the violence and other negative influences of the gangs. Congress has an opportunity to fund and reinforce collaborative efforts between local and federal law enforcement and other agencies to holistically target the gang's structure both locally and abroad and to increase the resilience of communities here in our own country.