



U.S. Department of Justice

Full-Scale Response:

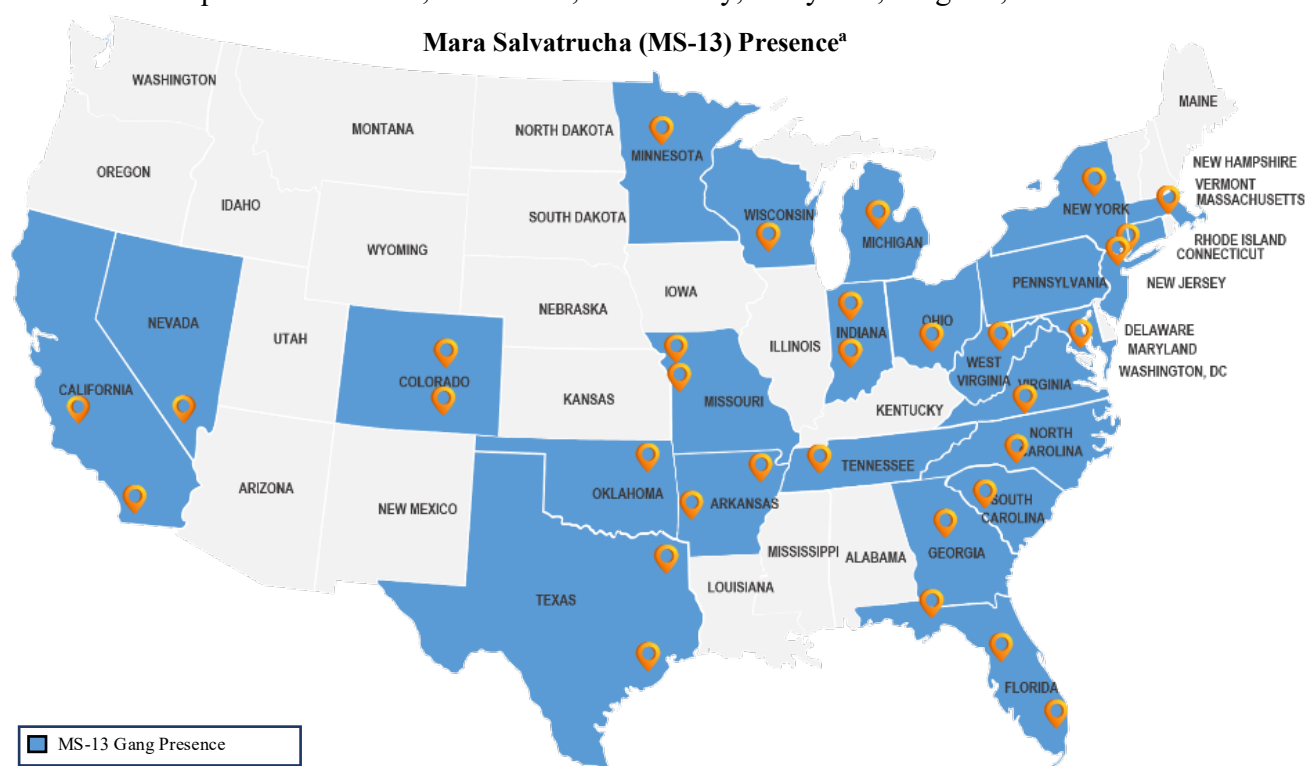
A Report on the Department of Justice's Efforts to Combat MS-13 from 2016-2020

TABLE OF CONTENTS

I.	THE FEDERAL GOVERNMENT HAS MARSHALED ITS FULL RESOURCES TO DISMANTLE MS-13.....	2
II.	THE DEPARTMENT OF JUSTICE’S PROSECUTIONS HAVE TAKEN HUNDREDS OF MS-13 MEMBERS OFF THE STREETS.....	4
III.	MS-13 WAS ABLE TO OPERATE IN THE UNITED STATES FOR DECADES BY EXPLOITING WEAKNESSES IN U.S. IMMIGRATION ENFORCEMENT POLICIES; THE VAST MAJORITY OF MS-13 DEFENDANTS PROSECUTED ARE FOREIGN NATIONALS.....	10
IV.	THE DEPARTMENT OF JUSTICE’S PARTNERSHIP WITH INTERNATIONAL LAW ENFORCEMENT HAS RESULTED IN HUNDREDS OF MS-13 ARRESTS.....	11

I. THE FEDERAL GOVERNMENT HAS MARSHALED ITS FULL RESOURCES TO DISMANTLE MS-13

La Mara Salvatrucha (“MS-13”) is a violent street gang that operates as a transnational criminal organization (“TCO”) and has been designated as such by federal agencies, including the U.S. Department of Justice and U.S. Department of the Treasury.¹ MS-13 operates in the United States, El Salvador, Honduras, Guatemala, Mexico, and other countries. Each year, MS-13 is responsible for violent crimes in the United States, including murders, extortion, arms and drug trafficking, assaults, rapes, human trafficking, robberies, and kidnappings.² For decades, MS-13 has exploited weaknesses in U.S. immigration enforcement policies to move its members in and out of the United States and to recruit new members who have arrived in the United States illegally.³ Moreover, MS-13 has infiltrated both cities and suburbs of the United States and established cliques in California, New York, New Jersey, Maryland, Virginia,



^a Presence is defined as the observation by law enforcement of one or more gang member(s) in a location, with or without associated criminal activity. This does not include observation of gang members temporarily transiting an area.

¹ Department of Justice (Press Release), Attorney General Sessions Announces New Measures to Fight Transnational Organized Crime, Oct. 15, 2018, <https://www.justice.gov/opa/pr/attorney-general-sessions-announces-new-measures-fight-transnational-organized-crime>; U.S. Department of the Treasury, Treasury Sanctions Latin American Criminal Organization (Press Release), Oct. 11, 2012, <https://www.treasury.gov/press-center/press-releases/pages/tg1733.aspx>.

² See, e.g., *MS13 in the Americas: How the World’s Most Notorious Gang Defies Logic, Resists Destruction*, a report published by Insight Crime and Center for Latin American & Latino Studies (CLALS), Feb. 2018, <https://www.justice.gov/eoir/page/file/1043576/download>.

³ See, e.g., *id.*; The White House, Remarks by President Trump at a Roundtable Discussion on Immigration, Bethpage, NY, May 23, 2018, <https://www.whitehouse.gov/briefings-statements/remarks-president-trump-roundtable-discussion-immigration-bethpage-ny/>.

Massachusetts, Ohio, North Carolina, Georgia, and Texas. Currently, MS-13 has an estimated 10,000 members across the United States and tens of thousands more worldwide.⁴

On February 9, 2017, the President issued an executive order directing the whole-of-government to develop and execute a comprehensive and decisive approach to dismantle TCOs such as MS-13 and restore safety for the American people.⁵ In doing so, the President recognized that these organizations put the safety of the American people at risk through widespread illegal conduct, including acts of violence and abuse that exhibit a wanton disregard for human life.⁶ The President directed the U.S. Departments of Justice and Homeland Security to work together with the Department of State and the Office of the Director of National Intelligence to support and improve the coordination of federal agencies' efforts to identify, interdict,



President Donald J. Trump, joined by United States Attorney General William Barr, participates in a briefing from law enforcement officials on Keeping American Communities Safe and the takedown of key MS-13 criminal leaders Wednesday, July 15, 2020, in the Oval Office of the White House. (Official White House Photo by Tia Dufour)

investigate, prosecute, and dismantle TCOs and subsidiary organizations within and beyond the United States. Pursuant to the President's executive order, on October 15, 2018, Attorney General Sessions created the Transnational Organized Crime ("TOC") Task Force, specifically targeting MS-13 and other TCOs⁷ and ordered the TOC Task Force to focus on the disruption and dismantlement of the TCOs.⁸ Attorney General Sessions designated dismantling TCOs such as MS-13 a top priority of the Department of Justice.

⁴ See, e.g., Department of Justice Factsheet on MS-13, Apr. 18, 2017, <https://www.justice.gov/opa/speech/file/958481/download>; Congressional Research Service, *MS-13 in the United States and Federal Law Enforcement Efforts*, Aug. 20, 2018, <https://fas.org/sgp/crs/homsec/R45292.pdf>; *MS13 in the Americas: How the World's Most Notorious Gang Defies Logic, Resists Destruction*, a report published by Insight Crime and Center for Latin American & Latino Studies (CLALS), Feb. 2018, at 3, <https://www.justice.gov/eoir/page/file/1043576/download>.

⁵ Presidential Executive Order on Enforcing Federal Law with Respect to Transnational Criminal Organizations and Preventing International Trafficking, Feb. 9, 2017, <https://www.whitehouse.gov/presidential-actions/presidential-executive-order-enforcing-federal-law-respect-transnational-criminal-organizations-preventing-international-trafficking/>.

⁶ *Id.*

⁷ Specifically, the TOC Task Force targeted: MS-13, Cartel de Jalisco Nueva Generacion (CJNG), Sinaloa Cartel, Clan del Golfo, and Lebanese Hezbollah.

⁸ Department of Justice (Press Release), Attorney General Sessions Announces New Measures to Fight Transnational Organized Crime, Oct. 15, 2018, [https://www.justice.gov/opa/pr/attorney-general-sessions-announces-new-measures-fight-transnational-organized-crime#:~:text=Attorney%20General%20Jeff%20Sessions%20today,to%20dismantle%20transnational%20criminal%20organizations.&text=Attorney%20General%20Sessions%20has%20appointed,Enforcement%20Task%20Force%20\(OCDETF\)](https://www.justice.gov/opa/pr/attorney-general-sessions-announces-new-measures-fight-transnational-organized-crime#:~:text=Attorney%20General%20Jeff%20Sessions%20today,to%20dismantle%20transnational%20criminal%20organizations.&text=Attorney%20General%20Sessions%20has%20appointed,Enforcement%20Task%20Force%20(OCDETF)).

On August 16, 2019, as part of the Department of Justice’s national strategy to dismantle MS-13, Attorney General Barr created Joint Task Force Vulcan (“JTFV”)⁹ to coordinate and lead the efforts of the Department of Justice and U.S. law enforcement agencies against MS-13 in order to eradicate¹⁰ the group. While there is still work to be done, JTFV has successfully implemented the whole-of-government approach to law enforcement relating to MS-13; increased coordination and collaboration with international law enforcement partners, including El Salvador, Mexico, Honduras, and Guatemala; designated priority targeting of prosecutions against MS-13 cliques and leaders who have the most impact on the U.S.; and coordinated significant MS-13 indictments in United States Attorneys’ Offices across the country.¹¹

In addition, components of the Department’s Criminal Division are involved in efforts to dismantle MS-13. The Organized Crime and Gang Section (OCGS), together with U.S. Attorneys’ Offices, has indicted and tried complex RICO prosecutions against significant MS-13 leaders, members, and associates across the country. The Office of International Affairs (OIA) has worked with federal prosecutors and Salvadoran counterparts to pursue the extradition of high-level MS-13 targets and obtain crucial foreign evidence for MS-13 cases. The Office of Overseas Prosecutorial Development, Assistance and Training (OPDAT) offered sustained assistance in Central America, coordinating with counterparts in El Salvador, Guatemala, and Honduras on joint operations against the MS-13 that have resulted in significant indictments and seizures of firearms and money – efforts that continue through Operation Regional Shield. And the Office of Enforcement Operations (OEO) has provided critical support and assistance to MS-13 investigations.

This report highlights the Department’s work to dismantle MS-13 over the past four years. The Department’s efforts have resulted in the prosecution of at least 749 MS-13 defendants. So far, more than 500 MS-13 defendants have been sentenced to prison, including 37 who received life sentences. Many other defendants are awaiting trial, including two against whom the Department is seeking the death penalty. Others are pending sentencing. Based on our best information, approximately 74% of the MS-13 defendants prosecuted during the past four years are in the United States illegally. Federal law enforcement agencies have expanded partnerships with their international counterparts, which has led to increased intelligence sharing, joint

⁹ JTFV is led by prosecutors from the U.S. Attorney’s Office for the Eastern District of New York, and the Department of Justice’s National Security and Criminal Divisions, as well as, select prosecutors from across the United States, including from the districts of Massachusetts, New Jersey, Nevada, Utah, the Eastern District of Virginia, District of Columbia, Northern District of Ohio, Southern District of California and Eastern District of Texas. In addition, all Department of Justice law enforcement agencies are involved in the effort – the Federal Bureau of Investigation; the Drug Enforcement Administration; the Bureau of Alcohol, Tobacco, Firearms and Explosives; the U.S. Marshals Service; and the Bureau of Prisons. The Department of Homeland Security’s Homeland Security Investigations plays a critical role in JTFV.

¹⁰ See, e.g., Department of Justice (Press Release), Attorney General William P. Barr to Travel to El Salvador to Advance Key Department of Justice Priorities, May 15, 2019, <https://www.justice.gov/opa/pr/attorney-general-william-p-barr-travel-el-salvador-advance-key-department-justice-priorities>.

¹¹ See, e.g., Department of Justice (Press Release), MS-13 Gang Member Arrested in El Salvador for Murder on Long Island, Aug. 17, 2020, <https://www.justice.gov/usao-edny/pr/ms-13-gang-member-arrested-el-salvador-murder-long-island>; Department of Justice (Press Release), The Department of Justice Announces Takedown of Key MS-13 Criminal Leadership, July 15, 2020, <https://www.justice.gov/opa/pr/department-justice-announces-takedown-key-ms-13-criminal-leadership>; Department of Justice (Press Release), Attorney General William P. Barr to Travel to El Salvador to Advance Key Department of Justice Priorities, May 15, 2019, <https://www.justice.gov/opa/pr/attorney-general-william-p-barr-travel-el-salvador-advance-key-department-justice-priorities>.

operations, and extraditions. More than 500 MS-13 defendants have been arrested abroad with the help of international cooperation, and more than 50 defendants have been extradited to the United States.

II. THE DEPARTMENT OF JUSTICE’S PROSECUTIONS HAVE TAKEN HUNDREDS OF MS-13 MEMBERS OFF THE STREETS

A. The Department of Justice Has Prosecuted Hundreds of MS-13 Defendants

The Department of Justice and its federal law enforcement partners’ efforts have resulted in the indictment or conviction of hundreds of MS-13 defendants (*see* Figure 1).

Figure 1: MS-13 Defendants Charged by Department of Justice, 2016-2020

Fiscal Year	Defendants Charged
2016	105
2017	174
2018	207
2019	136
2020	127
Total	749

Source: U.S. Department of Justice

From 2016 to 2020, the Department of Justice convicted at least 504 MS-13 defendants. Figure 2 provides a summary of terms of imprisonment for convicted MS-13 defendants.

Figure 2: Terms of Imprisonment, Convicted MS-13 Defendants, 2016-2020

Fiscal Year	1 24 Months	25 60 Months	61+ Months	Life
2016	8	14	25	0
2017	14	16	49	14
2018	36	18	31	9
2019	55	16	48	8
2020	16	16	26	6
Total	129	80	179	37

Source: U.S. Department of Justice

The Attorney General is also seeking the death penalty in two MS-13 cases. Alexi Saenz was indicted in 2017 in the Eastern District of New York in case number 16-CR-403. The indictment alleges that between 2016 and 2017, Saenz committed seven murders: (1) the January 28, 2016, murder of Michael Johnson; (2) the April 29, 2016, murder of Oscar Acosta; (3-4) the Sept. 13, 2016, murders of Kayla Cuevas and Nisa Mickens; (5) the October 10, 2016, murder of Javier Castillo; (6) the October 13, 2016, murder of Dewann Stacks; (7) and the January 30, 2017,

murder of Esteban Alvarado-Bonilla. Four of the victims were local high school students. Six of the seven victims were killed with a machete and/or baseball bat.¹²

Elmer Zelaya Martinez was originally indicted in 2018 and was later charged with death-eligibility offenses in the Eastern District of Virginia in case number 18-CR-123. The indictment alleges that Martinez, a high-ranking member of the Park View Locos Salvatrucha clique, coordinated the 2016 stabbing and hacking deaths of 17-year-old E.E.M. and 14-year-old S.A.G.. According to the indictment, Zelaya Martinez and other MS-13 members killed E.E.M. because they believed he was a member of a rival gang. S.A.G. was killed because gang members thought he was cooperating with law enforcement. Their bodies were found in a Falls Church park in 2017.¹³

B. The Department of Justice Has Used a Wide Range of Federal Criminal Statutes to Target MS-13

The Department of Justice has targeted MS-13 using traditional criminal offenses, and, for the first time in July 2020 charged an MS-13 leader with national security offenses. The primary charges that the Department Justice is using against MS-13 are provided in Figure 3.

Figure 3: Criminal Statutes Charged in MS-13 Cases, 2016-2020

Racketeering (RICO)	18 U.S.C. § 1962
Murder in Aid of Racketeering (VICAR Murder)	18 U.S.C. § 1959(a)(1)
Murder in the Special Maritime and Territorial Jurisdiction of the United States	18 U.S.C. § 1111
Maiming in Aid of Racketeering (VICAR Maiming)	18 U.S.C. § 1959(a)(2)
Assault with a Dangerous Weapon in Aid of Racketeering (VICAR Assault with a Dangerous Weapon)	18 U.S.C. § 1959(a)(3)
Conspiracy to Provide and Conceal Material Support to Terrorists	18 U.S.C. § 2339A(a)
Conspiracy to Kill or Maim Persons Outside the United States	18 U.S.C. § 956(a)(1)
Conspiracy to Commit Acts of Terrorism Transcending National Boundaries	18 U.S.C. § 2332b(a)(1)
Conspiracy to Finance Terrorism	18 U.S.C. § 2339C(a)
Narco-Terrorism Conspiracy	21 U.S.C. § 960a(a)
Conspiracy to Violate IEEPA	50 U.S.C. § 1705(a)
Robbery and Extortion	18 U.S.C. § 1951
Kidnapping	18 U.S.C. § 1201
Human Trafficking	18 U.S.C. § 1591
Using a Firearm During a Crime of Violence	18 U.S.C. § 924(c)
Dealing Firearms Without a License	18 U.S.C. § 922(a)
Felon in Possession of a Firearm	18 U.S.C. § 922(g)(1)
Illegal Alien in Possession of a Firearm	18 U.S.C. § 922(g)(5)

¹² Department of Justice (Press Release), The Department of Justice Announces Takedown of Key MS-13 Criminal Leadership, July 15, 2020, <https://www.justice.gov/opa/pr/departments-justice-announces-takedown-key-ms-13-criminal-leadership>.

¹³ See *United States v. Martinez*, 18-CR-123, Docket 425, Jan. 6, 2020, Notice of Intent to Seek Death Penalty, <https://ecf.vaed.uscourts.gov/doc1/189110186088>.

Illegal Reentry Following Deportation	18 U.S.C. § 1326
Narcotics Distribution	21 U.S.C. §§ 841, 846
Continuing Criminal Enterprise (Kingpin Statute)	21 U.S.C. § 848

Source: U.S. Department of Justice

C. The Department of Justice Has Targeted MS-13 Leadership in the United States and Abroad

Grand juries throughout the United States have charged MS-13 leaders residing both in the United States and abroad. A summary of recent cases is provided below.

- *United States v. Melgar-Diaz, 20-CR-123* (Eastern District of Virginia)

On July 14, 2020, an indictment charging Armando Eliu Melgar Diaz (“Melgar Diaz”), 30, with RICO conspiracy and terrorism charges was unsealed in the Eastern District of Virginia. Specifically, Melgar Diaz, the first MS-13 leader to face terrorism charges in the United States, was charged in an eight-count indictment with: conspiracy to participate in a racketeering enterprise, conspiracy to provide material support to terrorists, conspiracy to kill or maim persons outside of the United States, conspiracy to commit acts of terror transcending national boundaries, conspiracy to finance terrorism, narco-terrorism conspiracy, conspiracy to violate IEEPA, and conspiracy to distribute controlled substances. As alleged in the indictment, Melgar Diaz moved to the United States from El Salvador in 2003, and settled in Northern Virginia. After moving to Northern Virginia, he joined the Gangster Locos Salvatruchas, also known as GLS, a clique of MS-13. In February 2013, Melgar Diaz was deported to El Salvador, but illegally returned to the United States in approximately August of 2013. In November 2016, Melgar Diaz was once again deported to El Salvador. He has resided in El Salvador since 2016.

After his return to El Salvador, Melgar Diaz continued to be an active member of MS-13. In approximately May 2017, Melgar Diaz became the *Corredor*, or leader, of the MS-13 East Coast Program. As *Corredor*, Melgar Diaz oversaw the activities of approximately 20 MS-13 cliques in the United States, including in Virginia, Maryland, North Carolina, Tennessee, Texas, New York, Massachusetts, New Jersey, California, Ohio, Rhode Island, Oklahoma, Louisiana, and the District of Columbia. Melgar Diaz also oversaw MS-13 activities internationally in El Salvador, Guatemala, and Mexico. Melgar Diaz coordinated financing for MS-13 by collecting dues and drug trafficking proceeds, aided in trafficking cocaine and marijuana, facilitated communications between MS-13 leaders in El Salvador and cliques in the United States, and authorized acts of violence in the United States, including murder. The money Melgar Diaz received from members in the United States was used to support MS-13’s violent activities in El Salvador, including by purchasing weapons. Melgar Diaz is currently in custody in El Salvador, where he is facing drug

trafficking and conspiracy to commit murder charges. The United States has requested Melgar Diaz's extradition.¹⁴

- *United States v. Carlos Alfaro, et al.*, 20-CR-251 (Eastern District of New York)

On July 14, 2020, a 24-count indictment was unsealed in the Eastern District of New York charging eight members of MS-13 with multiple racketeering offenses in connection with six murders, two attempted murders, a kidnapping conspiracy and narcotics trafficking conspiracies, as well as related charges including assault in aid of racketeering and firearms offenses.

The indictment alleges that defendants Carlos Alfaro, Jose Moises Blanco, Oseas Gonzalez, Jose Jonathan Guevara-Castro, Victor Lopez-Morales, Ever Morales-Lopez, David Sosa-Guevara and Kevin Torres are members of "cliques" of the MS-13 operating on Long Island: the Hollywood Locos Salvatruchas ("Hollywood") clique and the Sailors Locos Salvatruchas Westside ("Sailors") clique. Sosa-Guevara and Torres were the New York leaders of the Hollywood and Sailors cliques, respectively, and were in direct communication with high-ranking MS-13 leaders in El Salvador. As part of a national takedown coordinated by JTFV and law enforcement agencies in the Eastern District of New York, District of Nevada, Central District of California, Eastern District of Virginia, and Western and Middle Districts of North Carolina, Blanco and Gonzalez were arrested on July 14, 2020 in Salisbury and Charlotte, North Carolina, respectively. Guevara-Castro was arrested in El Salvador on August 13, 2020 and is pending extradition to the United States. Two additional MS-13 members, both of whom were juveniles at the time they allegedly committed the crimes, have separately been charged with racketeering offenses and several murders. By statute, those cases remain under seal at this time.

As detailed in the indictment and in the government's detention letter, in 2016 and 2017 the Sailors and Hollywood cliques of the MS-13 gang collaborated in the criminal activities on behalf of MS-13, including: the murders of six suspected rival gang members, two of whom were juveniles; planning the kidnapping, assault, and/or murder of an MS-13 member who had violated the rules of the gang; attacking a group of males who had gathered in front of a house with two victims sustaining significant injuries, including one victim with a gunshot to the leg and another victim who was shot and slashed in the head, face, and arms; and conspiring to distribute cocaine and/or marijuana, the proceeds of which were used to help finance MS-13's criminal operations.

During the execution of court-authorized search and seizure warrants, law enforcement agents and officers recovered additional evidence, including machetes, firearms, ammunition, narcotics, and MS-13-related paraphernalia.¹⁵

¹⁴ Department of Justice (Press Release), MS-13 Leader in El Salvador Charged with RICO and Terrorism Offenses, July 15, 2020, <https://www.justice.gov/usao-edva/pr/ms-13-leader-el-salvador-charged-rico-and-terrorism-offenses>.

¹⁵ Department of Justice (Press Release), MS-13 Gang Members Indicted for Six Murders on Long Island, July 15, 2020, <https://www.justice.gov/usao-edva/pr/ms-13-leader-el-salvador-charged-rico-and-terrorism-offenses>.

- *United States v. Adali Arnulfo Escalante-Trujillo et al.*, 20-CR-156 (District of Nevada)

On July 14, 2020, a 21-count indictment was unsealed in the U.S. District Court for the District of Nevada, charging 13 leaders, members, and associates of MS-13 with a violation of the federal “kingpin” statute and multiple drugs and firearms offenses, including transporting bulk quantities of methamphetamine from Los Angeles, California to Las Vegas, Nevada. Eleven of the 13 defendants were taken into custody that same day as part of the aforementioned national takedown coordinated by JTFV.

As alleged in the indictment, three defendants, Adali Arnulfo Escalante-Trujillo, also known as “Buchaca,” (“Escalante-Trujillo”), Jose Alfredo Ayala-Flores, also known as “Blackie,” (“Ayala-Flores”), and Alvaro Ernesto Perez Carias, also known as “Toro,” (“Perez Carias”) were “Homeboys”¹⁶ in the MS-13 Hollywood Locos and Fulton cliques. Escalante-Trujillo was the Las Vegas-based “shot caller” of the Hollywood Locos clique, leading the Las Vegas sector of the gang, which was involved in narcotics and firearms distribution. He bragged about the violent acts committed by MS-13, boasted of connections between MS-13 and the Mexican Mafia, and bragged that MS-13 had come to work with nearly all Mexican Cartels.

Reflecting his senior position within MS-13’s hierarchy, Escalante-Trujillo was in direct contact with an MS-13 founding member living in El Salvador. Escalante-Trujillo brokered nearly every narcotics and firearms trafficking charge alleged in the indictment. Among other things, Escalante-Trujillo hosted MS-13 members from Los Angeles at his Las Vegas home, to enable their transportation of bulk quantities of methamphetamine from Los Angeles to Las Vegas. One such member was Ayala-Flores, a “shot caller,” who led the MS-13 “Los Angeles Program,” a leadership group that seeks to unify MS-13 decision-making throughout the United States. In early 2020, Ayala-Flores and Escalante-Trujillo arranged numerous bulk methamphetamine deals in Las Vegas. Ayala-Flores also sent bulk pills, laced with fentanyl, through the mail. Additionally, Ayala-Flores possessed three rifles (bearing no serial numbers) illegally, due to his prior conviction for attempted murder. Finally, Perez Carias, a “shot caller” and founding member of the Hollywood Locos clique, personally delivered large quantities of methamphetamine from Los Angeles to Las Vegas this year.

Aside from Escalante-Trujillo, Ayala-Flores, and Perez Carias, the remaining ten defendants are charged with conspiring to distribute drugs (between July 2019 and the present) and conducting individual drug deals over the past 12 months. The indictment also charges

¹⁶ A “Homeboy” is a fully initiated gang member who has undergone a “jumping in” ceremony. That ceremony involves passing a “beating test” where the prospective MS-13 member must survive a group of existing gang members beating him for 13 seconds. Once jumped in, MS-13 members are expected to participate in the gang’s criminal activities. Certain “Homeboys” also operate as “Palabrerros” or “shot callers,” making the ultimate decisions affecting the clique.

defendants with illegally possessing and selling silencers, semiautomatic rifles, and semiautomatic handguns.¹⁷

- *United States v. Moises Orlando Zelaya-Veliz*, 1:20-MJ-215 (Eastern District of Virginia)

During the first week of August, 2020, 11 members or close associates of MS-13—Moises Orlando Zelaya-Veliz, Sioni Alexander Bonilla Gonzalez, Carlos Jose Turicios Villatoro, Jose Eliezar Molina-Veliz, Santos Ernesto Gutierrez Castro, Luis Alberto Gonzales, Reina Elizabeth Hernandez, Nelson Ezequiel Caballero Portillo, Gilberto Morales, Jonathan Rafael Zelaya-Veliz, and Orlando Alexis Salmeron Funez—were taken into custody for sexual exploitation and physical abuse of a minor in Northern Virginia and Maryland.

According to court documents, in August 2018, a 13-year-old victim ran away from a youth home in Northern Virginia. Shortly after running away, the victim was introduced to members of MS-13. MS-13 members beat the victim 26 times with a baseball bat as part of a gang initiation. Gang members then sexually exploited the victim by directing her to participate in sex acts in Virginia and Maryland. While in Northern Virginia, men lined up to have sex with her in a wooded area behind one MS-13 member’s apartment complex. The men gave her drugs in exchange for sex. She also was harbored in various apartments in Northern Virginia where men paid her and her handlers cash for sex. The victim was later beaten again with a baseball bat 26 times. After the second bat beating, the victim was moved to Maryland, where she was sexually exploited by numerous gang members and other customers in exchange for cash.¹⁸

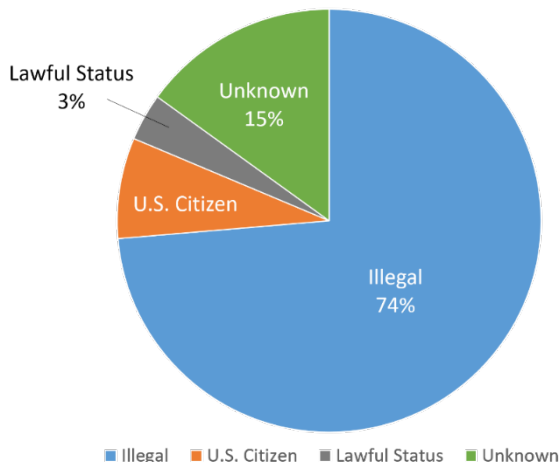
III. MS-13 WAS ABLE TO OPERATE IN THE UNITED STATES FOR DECADES BY EXPLOITING WEAKNESSES IN U.S. IMMIGRATION ENFORCEMENT POLICIES; THE VAST MAJORITY OF MS-13 DEFENDANTS PROSECUTED ARE FOREIGN NATIONALS

For decades, MS-13 thrived in the United States by taking advantage of weak immigration enforcement policies. MS-13 recruited and utilized foreign nationals, most often from Central America, who were in the United States illegally. The immigration status of MS-13 defendants prosecuted by the Department of Justice between 2016 and 2020 is described in Figure 4.

¹⁷ Department of Justice (Press Release), Thirteen Defendants, Including National Leadership of MS-13, Charged With Multiple Firearms And Drug Distribution Offenses And Violation Of The “Kingpin” Statute, July 15, 2020, <https://www.justice.gov/usao-nv/pr/thirteen-defendants-including-national-leadership-ms-13-charged-multiple-firearms-and>.

¹⁸ Department of Justice (Press Release), MS-13 Members and Associates Arrested for Sex Trafficking a Minor, Aug. 5, 2020, <https://www.justice.gov/usao-edva/pr/ms-13-members-and-associates-arrested-sex-trafficking-minor>.

Figure 4: Immigration Status of MS-13 Related Defendants Charged in 2016-2020



Source: U.S. Department of Homeland Security

IV. THE DEPARTMENT OF JUSTICE’S PARTNERSHIP WITH INTERNATIONAL LAW ENFORCEMENT HAS RESULTED IN HUNDREDS OF MS-13 ARRESTS

Leaders of MS-13 based in Central America have directed MS-13 criminal activities in the United States. These leaders – many of whom were previously deported from the United States – operated with impunity because of failure of the rule of law and law enforcement corruption in these countries; a lack of law enforcement training; and a lack of coordination between U.S. law enforcement and their Central American counterparts. Recognizing that dismantling MS-13 in the United States requires strong international partnerships, JTFV, OPDAT, OIA and OCGS have closely partnered with law enforcement in Central America and Mexico to develop cases against MS-13 leaders, coordinated multinational investigations, and provided training and operational support for their investigations. The results of these efforts are highlighted below.¹⁹

A. The Department of Justice and Its Federal Law Enforcement Partners Have Trained, Provided Investigative Support, and Conducted Joint Operations with Vetted International Law Enforcement Units

Consistent with the President’s directive, the Department of Justice has applied a whole-of-government approach and marshaled the resources of the Federal Bureau of Investigation (“FBI”), Bureau of Alcohol Tobacco and Firearms (“ATF”), Drug Enforcement Administration

¹⁹ See, e.g., Department of Justice (Press Release), Attorney General William P. Barr to Travel to El Salvador to Advance Key Department of Justice Priorities, May 15, 2019, <https://www.justice.gov/opa/pr/attorney-general-william-p-barr-travel-el-salvador-advance-key-department-justice-priorities>; U.S. Department of Homeland Security, Combating Gangs, <https://www.ice.gov/features/gangs> (“In FY 2018, HSI deployed special agents to embed with Government of El Salvador law enforcement partners and HSI San Salvador’s Transnational Criminal Investigative Unit (TCIU) to implement HSI’s strategy to identify, exploit, and disrupt MS-13’s financial networks within El Salvador.”).

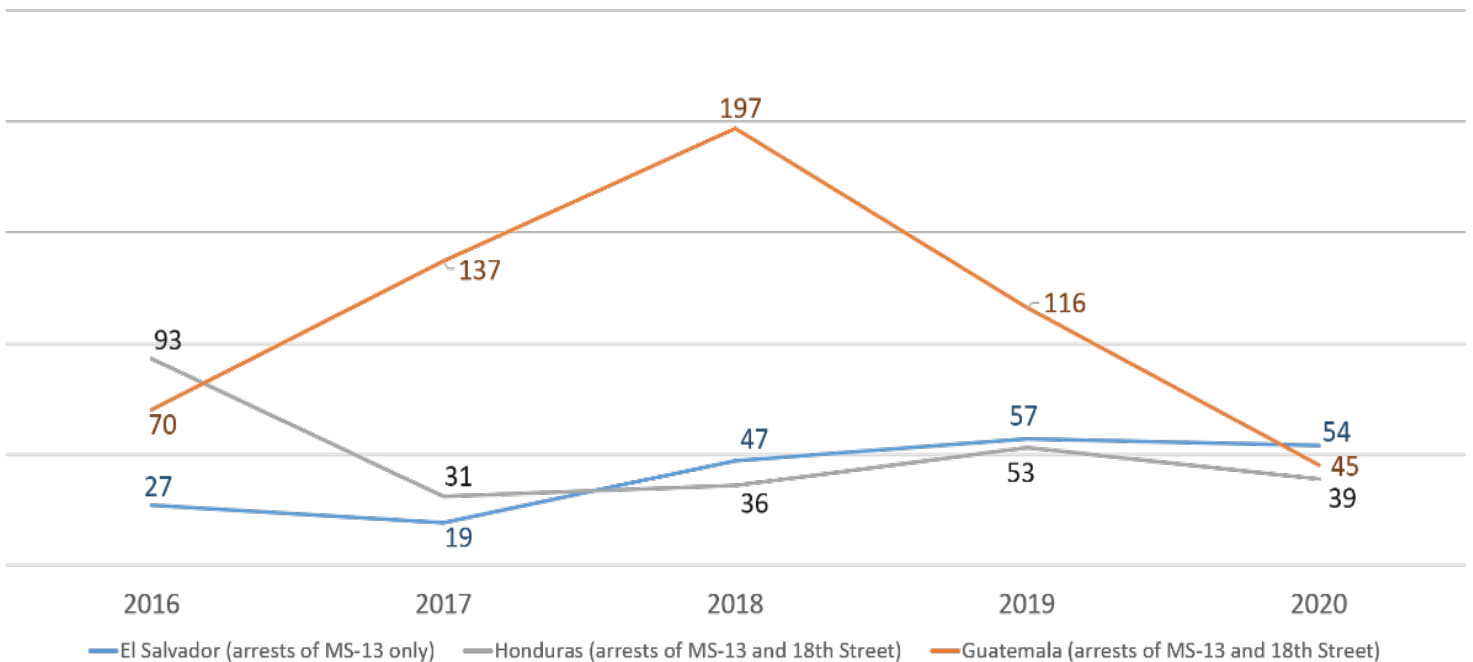
(“DEA”), United States Marshal Service (“USMS”), Homeland Security Investigations (“HSI”), and Department of State to assist law enforcement in Central America and Mexico. Each of these agencies has supported law enforcement in Central America and Mexico in the battle against MS-13 by providing its expertise through training, operational support, the deployment of specialized technology, and intelligence sharing.

- Providing Training and Operational Support to International Law Enforcement Units

To target MS-13, the FBI created Transnational Anti-Gang Units (“TAG”) where FBI special agents and analytical staff are embedded with their international law enforcement partners to investigate MS-13 and other gangs found in El Salvador, Guatemala and Honduras. TAG officers are selected from the national police force of each member country and are vetted by the FBI. The TAGs include 53 officers from Guatemala, 16 from Honduras, and 51 from El Salvador. Through TAG, the FBI and the international law enforcement officers work side-by-side to target MS-13 leaders in each country, support ongoing MS-13 investigations in the United States, and assist in the extradition of fugitives who have fled to one of the member countries. TAG has made hundreds of MS-13-related arrests since 2016 (*see* Figure 5).



Figure 5: MS-13 Arrests by Transnational Anti-Gang Units (“TAG”), 2016-2020²⁰



Source: Federal Bureau of Investigation

Since 2016, TAG Guatemala assisted in the extradition of 35 MS-13 defendants to the United States and six to El Salvador. TAG Honduras assisted in the extradition of approximately 20 MS-13 defendants to the United States. TAG El Salvador assisted in the extradition of 13 defendants to the United States.²¹

Moreover, ATF provided training and investigative support related to firearms and explosives to Salvadoran law enforcement. After MS-13 and other gangs targeted Salvadoran law enforcement with a series of bombings, ATF assisted Salvadoran authorities in its investigation into the bombings.²²

The USMS has worked with El Salvador’s National Police to increase cooperation and coordination related to the apprehension of MS-13 fugitives. As part of these efforts, the USMS has participated in regular intelligence sharing with their international counterparts to locate MS-

²⁰ These numbers were provided by the TAG Unit where the FBI is assisting. TAG Units in Guatemala and Honduras investigate both the MS-13 and 18th Street organizations and do not maintain separate arrest statistics for each organization.

²¹ See, e.g., Transnational Anti-Gang (TAG) Task Forces, <https://www.fbi.gov/investigate/violent-crime/gangs>; Training to Fight Transnational Gangs, <https://www.fbi.gov/video-repository/newss-the-fbi-and-central-american-law-enforcement-exchange-training/view>.

²² See, e.g., Fox News, 2 police wounded by bomb in car in El Salvador's capital, Apr. 29, 2019, <https://www.foxnews.com/world/2-police-wounded-by-bomb-in-car-in-el-salvadors-capital>.

13 fugitives in the United States and El Salvador. The increased cooperation has led to the arrest of MS-13 fugitives in Central America and the United States.

HSI has used Transnational Criminal Investigative Units (“TCIUs”) that are composed of vetted prosecutors and law enforcement officers from Central America who have been specially trained by HSI to target MS-13 in Central America.²³ The TCIUs assist HSI in its efforts to prevent dangerous MS-13 members from entering the United States. Since 2016, TCIUs have participated in the arrest of 177 MS-13 related defendants in El Salvador, and have opened more than 50 MS-13 cases in El Salvador, Mexico, Guatemala, and Honduras.

- Working with International Partners to Proactively Identify MS-13 Members Before They Enter the United States

HSI, with the support of the FBI, Department of Defense, and other Department of Homeland Security components, has partnered with law enforcement in Central America to identify and track dangerous MS-13 members so that they can be stopped before they enter the United States. As part of this initiative, DHS has deployed the Biometric Identification Transnational Migration Alert Program (“BITMAP”) in Central America. The BITMAP system stores biometric data for individuals enrolled in the system and shares it with law enforcement and immigration authorities in Central America and the United States. By enrolling MS-13 gang members into BITMAP, HSI is able to ensure that these dangerous individuals are identified if they attempt to enter the United States.²⁴

Most MS-13 members who are illegally present in the United States enter via Mexico. Working with its partners in Mexico, DHS has also deployed its DHS Biometric Encounter Analysis and Screening Team (“BDSP”) to Migration Centers in Mexico so that MS-13 members can be detected before they reach the United States.²⁵

- Coordinating Intelligence and Record Sharing

Government records, including identity documents and criminal records, are critical to identifying, locating, and prosecuting MS-13 members. Record sharing prevents MS-13 members

²³ See, e.g., Department of Homeland Security, Homeland Security Investigations Testimony, House Committee on Homeland Security Hearing, “Combating Transnational Gangs Through Information Sharing”, <https://www.dhs.gov/news/2018/01/18/written-testimony-ice-house-homeland-security-subcommittee-counterterrorism-and>; Department of Homeland Security, Operation Raging Bull, <https://www.ice.gov/features/raging-bull>, (“Caso Pilato, an 18 month investigation into MS-13 by HSI’s Transnational Criminal Investigative Unit (TCIU) in El Salvador, with significant support from HSI San Salvador, concluded in September following an 18-month investigation with the arrests of 53 MS-13 members and associates during Operation Tecana, the enforcement phase of the investigation.”).

²⁴ See, e.g., Department of Homeland Security, Homeland Security Investigations Testimony, House Committee on Homeland Security Hearing, “Combating Transnational Criminal Threats in the Western Hemisphere”, <https://www.ice.gov/sites/default/files/documents/Speech/2018/180523villanueva.pdf>.

²⁵ See, e.g., Department of Homeland Security, Fact Sheet: DHS Agreements with Guatemala, Honduras, and El Salvador, https://www.dhs.gov/sites/default/files/publications/19_1003_opa_fact-sheet-agreements-northern-central-america-countries.pdf; Department of Homeland Security, House Committee on Foreign Affairs, “Potential Terrorist Threats: Border Security Challenges in Latin America and the Caribbean”, <https://www.dhs.gov/news/2016/03/22/written-testimony-pley-house-foreign-affairs-subcommittee-western-hemisphere-hearing>.

from fleeing from one Central American country to another and assists Central American countries in their efforts to control their borders. The Department of State in partnership with representatives from Honduras, Costa Rica, Guatemala, Mexico, and Peru has created an intelligence center that coordinates the sharing of these records between member countries.²⁶

B. Examples of Successful Operations as a Result of the Department of Justice's Coordination with International Law Enforcement

Dozens of significant prosecutions and extraditions have resulted from increased partnership between U.S. law enforcement and their counterparts. Recent examples include:

- TAG Partnership

From 2016-2018, information from TAG wiretaps in El Salvador resulted in authorization for Title III wiretaps in Boston and Newark. The collaboration on the wiretaps and other investigation resulted in the dismantling of MS-13's East Coast Program ("ECP"). TAG Officers from El Salvador were sent to Virginia, Texas, California, Ohio, and Maryland to work side by side with the FBI in assisting federal, state and local law enforcement with the arrest of more than 100 MS-13 ECP members in the United States.

From January 16, 2019 to February 15, 2019, officers from TAG El Salvador, TAG Guatemala, and TAG Honduras deployed to the U.S./Mexico border, near San Diego, to assist DHS in the processing of caravan members. The TAG officers assisted CBP in identifying possible gang members using the caravan to gain entrance into the U.S. under asylum requests. TAG officers supported U.S. law enforcement by: assisting in 136 interviews; identifying 30 individuals affiliated with gangs, identifying 47 individuals with criminal histories; and identifying three individuals with arrest warrants in Honduras and El Salvador for attempted homicide, aggravated robbery, and terrorist activity.

- TCIU Partnership

On August 26, 2020, TCIU in El Salvador working with HSI arrested 34 MS-13 members for human smuggling, homicide, extortion, and membership in a terrorist organization. Among those arrested was Hector Antonio Alfaro Flores ("Alfaro Flores"), the leader of the MS-13 Los Angeles program in El Salvador, and Manuel de Jesus Silva, the leader of a smuggling organization that was smuggling El Salvadoran nationals to the United States, and an officer from the National Police who was working with Silva in the smuggling operation.

- Fugitive Apprehensions

The USMS partnered with Salvadoran authorities to locate an individual in the United States wanted by Salvadoran authorities for a homicide that he committed before he entered the United States. USMS investigators determined that he was in the National Capital region and had

²⁶ See, e.g., Department of State, Bureau of International Narcotics and Law Enforcement Affairs: El Salvador Summary, <https://www.state.gov/bureau-of-international-narcotics-and-law-enforcement-affairs-work-by-country/el-salvador-summary/>

been recently arrested by local law enforcement. USMS partnering with ICE ERO located and arrested the individual in Falls Church, Virginia on immigration violations on February 19, 2019.

On August 18, 2020, the USMS working with Salvadoran authorities returned MS-13 member Adonay Polanco Cabrera to the United States to face murder charges. Polanco Cabrera fled Northern Virginia following participation in a November 2016 murder in Fairfax County. Salvadoran authorities worked with the USMS to arrest Cabrera in July 2018 in El Salvador. Polanco Cabrera was turned over to Fairfax Country authorities and is now in custody awaiting trial.²⁷

Inter-agency cooperation and assistance was integral in the location, arrest and extradition of JTFV priority target Nelson Alexander Flores Pacheco, aka Mula, on May 20, 2020. This was a whole-of-government, coordinated effort with the FBI ALATs in Mexico, the Mexican Federal Police, the USMS, HSI, CBP, and DEA SOD. Flores Pacheco had an arrest warrant issued in the Southern District of Ohio charging him with racketeering, extortion and money laundering.

²⁷ Fairfax County Police Department, 2016 Homicide Suspect Arrested in El Salvador; Extradited to Fairfax County, Aug. 27, 2020, <https://fcpdnews.wordpress.com/2020/08/27/2016-homicide-suspect-arrested-in-el-salvador-extradited-to-fairfax-county/>