



U.S. Department of Homeland Security

STATEMENT

OF

MICHAEL J. GARCIA
ASSISTANT SECRETARY

OF

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT
U.S. DEPARTMENT OF HOMELAND SECURITY

REGARDING A HEARING ON

**“IMMIGRATION AND THE ALIEN GANG EPIDEMIC:
PROBLEMS AND SOLUTIONS”**

BEFORE THE

HOUSE COMMITTEE ON THE JUDICIARY
SUBCOMMITTEE ON IMMIGRATION, BORDER SECURITY
AND CLAIMS

Wednesday, April 13, 2005 @ 4:00 pm
2141 Rayburn House Office Building

MR. CHAIRMAN AND MEMBERS OF THE SUBCOMMITTEE, thank you for the opportunity to speak with you today about U.S. Immigration and Customs Enforcement's (ICE) responses to alien gang activity in the United States. ICE brings to bear all of its law enforcement and investigative powers to combat violent street gangs.

Ensuring public safety is among the most important homeland security missions of ICE. Gang enforcement is a crucial part of that mission. In the last decade, the United States has experienced a dramatic increase in the number and size of transnational street gangs such as Mara Salvatrucha (commonly know as MS-13). These gangs have a significant, often a majority, foreign-born membership and are frequently involved in human and contraband smuggling, immigration violations and other crimes with a nexus to the border. Like any street gang, these gangs also have a propensity toward violence. Their members commit such crimes as robbery, extortion, assault, rape and murder.

In 2003 ICE conducted a comprehensive threat assessment on violent street gang activity in the United States. The threat assessment identified the street gang MS-13 as having a presence across the nation, a significant foreign-born membership and a history of violence.

An example of this violence occurred just outside our nation's Capitol. In May 2004 in Alexandria, Virginia, members of MS-13 viciously hacked at a rival gang member with machetes, severing the victim's hands. The victims of gang crime are not limited to rival gang members. Entire neighborhoods and sometimes whole communities are held

hostage by and subjected to the violence of street gangs. Community members are targeted by gangs for extortion, robberies, car-jackings and home invasions. In the conduct of drive-by shootings, the bullets fired by street gangs do not discriminate between a rival gang member and a sleeping infant in the same house.

Based on this threat assessment, ICE initiated Operation Community Shield on February 23, 2005, with priority given to targeting MS-13 members. The objective of Community Shield is to gather intelligence, develop sources of information, and to ultimately disrupt, dismantle and prosecute violent street gangs by applying the full range of authorities and investigative tools available to ICE. In Community Shield we have designated priorities for apprehension based on whether a gang member is a threat to national security; in a position of leadership; or has a prior violent criminal history.

Since the beginning of Operation Community Shield, more than 150 MS-13 gang members have been arrested for immigration violations. Nine of those arrested have been identified as leaders. More than half of those arrested have violent criminal histories with arrests and convictions for crimes such as robbery, assault, rape and murder. In one set of arrests, Miami ICE agents apprehended two MS-13 gang members wanted by California authorities on murder charges. These two gang members were also being sought by local authorities for their suspected involvement in home invasions.

Twenty-two of those arrested have been criminally charged for illegal reentry after deportation (8 USC 1326) and are subject to up to 20 years in Federal prison, depending on their criminal history. Examples of illegal reentry arrests include an MS-13 member

from Long Island who has convictions for burglary, auto theft, harassment and sexual abuse of a minor. Additionally, ICE agents in Los Angeles arrested four MS-13 gang members that illegally reentered the U.S., all with convictions for violent crimes ranging from brandishing a firearm to witness tampering. Finally, Newark ICE agents apprehended an MS-13 gang member for illegal reentry who has prior convictions for armed robbery and grand theft.

ICE's investigative efforts under Operation Community Shield are not limited to immigration violations. We have the combined authorities for enforcing both customs and immigration laws, which makes our approach to fighting organized criminal activity and gang violence unique, and more effective. By combining immigration enforcement authorities with expertise in financial investigations, we have an additional tool to hit these criminal gangs where it hurts--by going after their money. One example of how these combined authorities can be so effective is in an investigation of a street gang known to transport large quantities of narcotics from Mexico into the United States. This investigation involves pursuing money laundering charges, drug smuggling charges, the use of electronic surveillance and identifying and targeting illicit proceeds for forfeiture.

Through Operation Community Shield, ICE is taking other innovative steps to identify MS-13 gang members and disrupt its organizations. The ICE Law Enforcement Support Center (LESC) has checked MS-13 gang member data provided by our state and local law enforcement partners against DHS and other databases to identify and locate gang members. In a cooperative effort, ICE and the U.S. Bureau of Prisons (BOP) have

identified 102 records of MS-13 gang members in the federal prison system database. Through the cross-check, ICE and the BOP hope to identify MS-13 gang members who may be directing criminal activity from behind bars and prioritize jailed gang members for deportation upon completion of their sentence.

The LESC has also developed an innovative way to help identify MS-13 gang members to first responders. When a State or local police agency makes an inquiry to the LESC through the National Law Enforcement Telecommunications System (NLETS), the LESC forwards inquiry responses that meet a certain criteria to ICE Headquarters for further analysis and comparison with data ICE has on MS-13 gang members. When a match is found, ICE notifies the inquiring law enforcement agency of its findings and coordinates enforcement action to be taken. The goal is to prosecute if possible and ultimately deport these alien gang members from the United States.

On December 23, 2004, the Columbus, Ohio Police Department encountered Nelson Flores following a minor traffic accident and contacted the LESC for information. ICE Special Agents at the LESC and Columbus officers soon determined that Flores was a previously deported felon linked to a drive-by shooting in Nevada and was a local leader of MS-13. LESC agents immediately lodged a detainer and notified Ohio ICE agents who responded and arrested Flores for illegal reentry after deportation.

ICE maintains a close working relationship with Mexico, Honduras, El Salvador and Guatemala in the exchange of intelligence pertaining to MS-13 and other gang activity.

ICE established a working relationship with Honduran Law Enforcement Intelligence Units regarding the arrest of Lester RIVERA-Paz in South Texas. RIVERA-Paz, the alleged national leader of the Honduran MS-13 organization, was an international fugitive, wanted by Honduran authorities for his involvement in the massacre of 28 bus passengers in December of 2004 in San Pedro Sula, Honduras. RIVERA-Paz was apprehended by Customs and Border Protection Border Patrol agents and placed into ICE custody pending prosecution for illegal reentry after deportation. ICE Intelligence secured copies of the Honduran arrest warrant, as well as photos and fingerprints of RIVERA –Paz to confirm his identity and fugitive status.

At ICE, we recognize that no single law enforcement agency can win the fight against transnational street gangs. ICE is working closely with a number of agencies and organizations under Operation Community Shield. Such cooperation is critical to the success of this initiative. ICE’s Operation Community Shield partners include other agencies within the Department of Homeland Security; the Department of Justice; Department of State; the governments of El Salvador, Honduras, Mexico and Guatemala; and state and local law enforcement agencies throughout the United States. ICE has a long history of working with our partners in law enforcement to leverage our enforcement abilities. Operation Community Shield is no exception.

In the final analysis, Operation Community Shield is a homeland security initiative. Every criminal organization that can exploit the border is viewed as a potential national security threat. In recent months, there have been uncorroborated reports in the media

and from foreign governments of possible links between Al-Qaeda and MS-13. Neither ICE nor any other U.S. Government agency has credible evidence to support these reports.

This operation is just the beginning in our fight to defeat violent street gangs. Operation Community Shield is an important public safety initiative for the Department of Homeland Security that targets the proliferation of gang violence throughout the country. By bringing the full range of ICE's immigration and customs authorities in the fight against violent street gangs, we can take hundreds of gang members off the streets and have a significant impact on community safety.

I want to thank the distinguished members of this Committee for the opportunity to speak before you today. I look forward to answering any questions you may have.