

Questions for the Record

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For A Hearing Entitled “The MS-13 Problem: Investigating Gang Membership as well as Its Nexus to Illegal Immigration, and Assessing Federal Efforts to End the Threat”

**June 21, 2017
Senate Judiciary Committee**

Questions from Chairman Charles E. Grassley

1. Assaults on Border Patrol Agents

Since President Trump’s inauguration, reports have indicated that unauthorized immigrant smugglers have become increasingly aggressive towards U.S. Border patrol. According to data published by the U.S. Customs and Border Patrol (CBP), there have been assaults on 558 agents this fiscal year, representing a 92% increase over fiscal year 2016.

Border patrol agents have expressed frustration over the lack of prosecutions in cases of assaults. Public reports indicate that prosecution is usually not pursued unless the assaulted agent requires hospitalization or advanced medical treatment. These recent attacks are disturbing, and suggest they are being coordinated by smugglers, gangs, and possibly even drug cartels. This presents a very real threat to the safety of our Border Patrol agents.

Attorney General Sessions has recognized this issue, and has directed federal prosecutors to get tougher on crimes connected to unauthorized immigration.

a. What steps has the Criminal Division taken to implement General Sessions’ directive?

In recent memoranda, Attorney General Sessions directed the Department of Justice (Department) to prioritize violent crime cases, identify the most violent offenders in each jurisdiction, and ensure that those criminals are both prosecuted fully and sentenced appropriately. These memoranda constitute critical components of the Department’s efforts to fight violent crime—including attacks on the law enforcement officers who protect our borders—because they establish policies that will allow the Department to fulfill its role in a way that accords with the law, advances public safety, and promotes respect for the legal system.

Consistent with Attorney General Sessions' directives, the Department is prioritizing felony prosecutions of certain criminal immigration offenses. For example, pursuant to Attorney General Sessions' April 2017 memorandum regarding criminal immigration enforcement, federal prosecutors are targeting for felony prosecution cases of improper entry into the United States by aliens who have two or more prior misdemeanor improper entry convictions. Prosecutors are also targeting for felony prosecution illegal aliens with one or more prior misdemeanor improper entry convictions with aggravating circumstances, such as gang membership or affiliation—in other words, admitted gang members who repeatedly attempt to circumvent our laws and enter the United States illegally are a high prosecution priority for federal prosecutors.

The Department is also working collaboratively with its law enforcement partners to ensure that violent criminals who are here illegally are detained or removed expeditiously. For example, raids targeting violent criminals will include the proper immigration authorities, so that illegal alien gang members and associates encountered during these raids may be detained on valid immigration charges. Attorney General Sessions has also directed the expansion of the Department's Institutional Hearing Program, through which the Executive Office for Immigration Review deploys immigration judges to federal correctional facilities to adjudicate cases of criminal alien inmates so a determination regarding the alien's removability is made prior to the conclusion of their federal sentences. By sending immigration judges to federal correctional facilities to conduct hearings, the Department not only saves time and resources and facilitates timely hearings, but also prevents dangerous criminals from being released into our communities while awaiting resolution of their immigration cases.

The Department also continues to adjust its resources to better address violent gang crime and criminal immigration enforcement, pursuant to Attorney General Sessions' guidance. For example, every U.S. Attorney's Office has designated a Border Security Coordinator (BSC), who is responsible for overseeing the investigation and prosecution of prioritized immigration-related offenses and coordinating with our interagency counterparts to accomplish the Department's strategy with respect to criminal immigration enforcement.

On December 15, 2017, Attorney General Sessions announced the Department's new steps in combating violent crime. The Department has selected 27 locations to receive aid in the fight against violent crime. Those locations will receive a total of 40 Assistant U.S. Attorneys (AUSAs) who will focus on prosecuting violent crime. New violent crime task forces will also be launched in Charlotte, NC, and Pittsburgh, PA.

The Department has also requested additional funding to address this problem. For example, the Department requested \$109.2 million in program enhancements to reduce violent crime and combat transnational criminal organizations. These resources will enable the Department to dismantle the worst criminal organizations, target the most violent offenders, and protect the public. These enhancements include, among others, funding for paralegal support positions to assist with the increasingly complex cases prosecuted by the U.S. Attorneys' Offices. This important work will support AUSAs as they prepare cases, to include supporting the additional 230 AUSAs to handle cases of violent crime requested in Fiscal Year 2018.

In addition, the Department has requested \$65.9 million in funding for immigration-related program enhancements for Fiscal Year 2019, which will enhance our nation's border security and immigration enforcement. This includes a request for nearly \$40 million and 450 positions, including 150 attorney positions, for immigration judges and support. These additional resources will help maintain the efficacy and efficiency of our immigration enforcement and adjudication programs, as well as process the increasing workload. The Department has also requested additional funding to support 17 new paralegal positions in the U.S. Attorneys' Offices, which will support AUSAs preparing immigration-related cases, to include supporting the additional 70 immigration enforcement prosecutors requested in Fiscal Year 2018.

The Department's grant-making components, including the Office of Justice Programs (OJP) and the Office of Community Oriented Policing Services (COPS), are also working to fulfill Attorney General Sessions' directives. OJP is exploring how existing grants, training, technical assistance, and research programs can better ensure officer safety and bolster law enforcement efforts to reduce crime, including gang-related crime. COPS has structured two programs—the COPS Hiring Program and the Community Policing Development Microgrant Initiative—to support jurisdictions that choose to target criminal gang violence. This will permit the Department to target funding to improve public safety in the communities that need it most.

Finally, in May 2017, the Department, through COPS, along with the Federal Communications Commission and the Department of Homeland Security, announced the nationwide rollout of the National Blue Alert Network (Blue Alert). Blue Alert promotes rapid dissemination of information to law enforcement, the media, and the public about violent offenders who have killed, seriously injured, or pose an imminent threat to law enforcement, or when an officer is missing in connection with official duties. This system provides the framework for rapid response to help save lives and apprehend violent criminals who target those sworn to protect public safety.

b. Has the Criminal Division increased prosecutions for criminal assaults on federal law enforcement since April?

Between 2013 and 2017, U.S. Attorney's Offices across the country have charged hundreds of cases under the federal statute that prohibits assaulting a federal law enforcement officer while he or she is engaged in the performance of official duties. In 2016, U.S. Attorney's Offices nationwide charged more than 370 defendants under this statute for assaults on federal law enforcement officers, including U.S. Border Patrol agents.

In Fiscal Year 2017, U.S. Attorney's Offices charged more than 400 defendants under this statute. The following are case examples:

- In June 2017, a Mexican national was sentenced to serve 21 months in federal prison for two separate assaults on U.S. Border Patrol agents who had detained her after she attempted to illegally enter the United States. The U.S. Attorney's Office for the Southern District of Texas prosecuted the case.

- In May 2017, the U.S. Attorney’s Office for the Southern District of California secured the conviction of a Mexican national and prolific alien smuggler for the assault of a U.S. Border Patrol agent. The smuggler hurled a softball-sized rock at the agent’s face, hitting the agent so hard he thought his teeth had been knocked out or his jaw broken.
- In January 2017, the U.S. Attorney’s Office for the Southern District of Texas secured the conviction of an undocumented Mexican national who assaulted a U.S. Border Patrol agent on a ranch near Hebbronville, Texas, causing a bilateral fracture of the officer’s nose, along with lacerations and contusions.

The Criminal Division, in conjunction with its U.S. Attorney’s Office partners, has also prosecuted several cases involving the assault and murder of U.S. law enforcement. For example, on July 21, 2017, a federal jury convicted two defendants of the murder of U.S. Immigration and Customs Enforcement (ICE) Special Agent Jaime Zapata and the attempted murder of ICE Special Agent Victor Avila. The defendants—paid agents of the Los Zetas, designated a transnational criminal organization by the U.S. Department of Treasury in 2011—ambushed the two Special Agents while they were on assignment in Mexico. The Criminal Division’s Organized Crime and Gang Section (OCGS) and Narcotic and Dangerous Drug Section (NDDS), in conjunction with the U.S. Attorney’s Office of the District of Columbia, prosecuted this case as a part of Organized Crime Drug Enforcement Task Forces’ (OCDETF) Operation Fallen Hero.

Similarly, in 2015, the Criminal Division’s Human Rights and Special Prosecutions Section (HRSP), in conjunction with the U.S. Attorney’s Office for the Eastern District of Virginia, prosecuted and secured the convictions of six Colombian nationals for the kidnapping and murder of Drug Enforcement Administration (DEA) Special Agent James Terry Watson, who was murdered in Bogota, Colombia, in 2013.

These cases are a reminder of the dangerous work our federal law enforcement officers do every day. Accordingly, the Department takes all assaults on law enforcement officers very seriously, and prosecutes those cases to the greatest extent possible, consistent with the Department’s charging and sentencing policies.

- c. **Is the Criminal Division coordinating with Customs and Border Protection to make sure that each assault case is investigated and, if possible, prosecuted to the fullest extent possible?**

Through OCGS, NDDS, HRSP, and the U.S. Attorney’s Offices, the Department continues to work collaboratively with its law enforcement partners, including Customs and Border Protection, to ensure that all cases involving assaults on federal law enforcement officers are investigated thoroughly and prosecuted aggressively.

2. Centralization of MS-13 control in El-Salvador

Recent investigations by the Department of Justice have revealed a disturbing centralization in MS-13 operations. These reports show that major leaders of MS-13 in El Salvador—many who are in prison for murder, kidnapping, exhortation, or drug dealing—have sent representatives into the U.S. illegally.

These representatives are given one directive by the El-Salvadorian leaders: assume control of local MS-13 cliques and reconstitute them as an arm of MS-13 in El Salvador. According to the Department’s own reports, MS-13 in El-Salvador is having gang leaders assume control of local cliques in order to implement “The Program.” The Program involves MS-13 in America assuming territorial dominance over rival gangs and extorting legal business run by Central American immigrants.

In addition, reports from you agency indicate that reconstituted MS-13 cliques also engage in prostitution, drug trafficking, and illegal gambling, all with the understanding that a portion of any profits will be sent to MS-13 in El Salvador to enrich the gang and expand its activities.

- a. What tools and authorities does the Department of Justice—in conjunction with Homeland Security—have to address the threat posed by MS-13 in El-Salvador’s increased centralization and coordination with American cliques?**

The Department employs the resources and expertise of multiple agencies and components to address the threat posed by MS-13 in El Salvador and its attempts to coordinate with American MS-13 cliques. The Criminal Division’s OCGS, Office of International Affairs (OIA), and Office of Prosecutorial Development, Assistance, and Training (OPDAT), as well as U.S. Attorney’s Offices, the Federal Bureau of Investigation (FBI), the Department of Homeland Security, Immigration and Customs Enforcement—Homeland Security Investigations (HSI), and other federal law enforcement partners, are vital to this effort.

OCGS leads a coordinated effort to prosecute MS-13 members, with a focus on eliminating the gang’s leadership. OCGS, in partnership with U.S. Attorney’s Offices and in collaboration with funding from OCDETF, has prosecuted numerous MS-13 cases across the country. The combined efforts of OCGS and the U.S. Attorney’s Offices have enabled the Department to use the criminal justice process effectively to disrupt the gang’s Salvadoran leadership efforts to unify U.S.-based MS-13 cliques.

The FBI also targets international MS-13 leaders located in El Salvador through its foreign investigative units known as the Transnational Anti-Gang or TAG/Safe Street Units, certain aspects of which are funded through the U.S. Department of State’s Bureau of International Narcotics and Law Enforcement Affairs. TAG Units located in El Salvador, Guatemala, and Honduras supply internationally generated information to many domestic MS-13 investigations. This includes the Maryland prosecutions discussed in Mr. Blanco’s opening testimony before the Committee during the hearing on June 21, 2017, in which the TAG Unit provided information to U.S. prosecutors to help identify defendants and locations relevant to their investigations. In addition, through the TAG Units, OCGS prosecutors have developed and vetted Salvadoran police officers and federal agents to serve as expert witnesses in U.S.-based

MS-13 trials, where those experts describe the structure, hierarchy, codes, and criminal conduct of MS-13 in El Salvador. This work helps secure the convictions of MS-13 members on trial in the United States.

HSI regularly investigates MS-13 cases, with the goal of targeting and disrupting the flow of illicit proceeds from the gang's criminal activities to gang leaders in El Salvador. In 2005, HSI launched Operation Community Shield, an international initiative that combats transnational criminal street gangs, prison gangs, and outlaw motorcycle gangs operating throughout the United States, often by tracing and seizing cash, weapons, and other illicit proceeds. Since 2005, federal, state, and local law enforcement agents participating in Operation Community Shield have made more than 47,000 gang-related arrests, including more than 4,300 criminal arrests and nearly 3,000 civil immigration arrests of MS-13 leaders, members, and associates. In May 2017, HSI announced that its largest gang surge to date resulted in the arrests of 1,095 gang members and affiliates, including 104 MS-13 members.

In addition to the ongoing work of the HSI and FBI task forces, in the summer of 2017, the Department detailed an OCGS prosecutor to El Salvador, funded through HSI's Operation Citadel, for 30 days. This resident attorney advisor focused on identifying, disrupting, and dismantling transnational criminal organizations, drug trafficking organizations, and terrorist support networks by targeting the mechanisms used to move migrants, illicit funds, and contraband throughout Central America. The attorney advisor also gathered intelligence and evidence to support U.S.-based prosecutions of MS-13 and HSI's efforts to identify and dismantle alien smuggling networks.

Concurrently, OIA addresses the increasing sophistication of MS-13's transnational network by maintaining a close and productive working relationship with Salvadoran counterparts, using evidence sharing through the mutual legal assistance channel and extradition, as well as other tools, to obtain evidence in support of investigations and prosecutions being conducted by federal, state and local prosecutors, and U.S. law enforcement agencies. Through OIA, the Department also provides investigators and prosecutors in El Salvador with critical evidence, and returns fugitives to face justice, thereby helping the Salvadoran government to combat the threat of MS-13 at its source.

Finally, OPDAT bolsters the Department's activities in El Salvador with capacity building efforts, which seek to ensure that Salvadoran authorities not only coordinate with U.S. prosecutors on U.S. cases, but also are able to investigate and prosecute transnational criminal organizations at the source. OPDAT's work includes mentoring specialized task forces that coordinate with U.S. law enforcement, resulting in numerous operations to disrupt MS-13 in the region and halt its activities state-side.

- b. Since it is well known that MS-13 in El Salvador is sending lieutenants into the United States to control local cliques, what steps are the Department of Justice taking to identify, deny entry, and prosecute these lieutenants and other key MS-13 leaders?**

MS-13 does send representatives to meet with U.S.-based members. Identifying and stopping MS-13 members before they enter the United States—as well as prosecuting MS-13 members in the United States—is a high priority for the Department. As described above in response to Questions 1(a) and 2(a), the Department’s federal prosecutors have prioritized the prosecution of certain criminal immigration offenses, as well as violent criminal offenses; the FBI’s TAG Units and OCGS continue to develop information about MS-13 in El Salvador to assist in domestic MS-13 prosecutions; and OIA works cooperatively with Salvadoran law enforcement partners to share information in support of investigations and prosecutions of MS-13 members whose conduct affects the United States.

Additionally, through HRSP, the Department collaborates with other federal agency partners to investigate, target, and shut down smuggling networks that criminals, including MS-13 gang members, use to gain entry into the United States. HRSP co-chairs an Interagency Working Group on Smuggling and Trafficking, a targeting subgroup of which identifies for investigation and prosecution the most dangerous international alien smuggling networks, especially those that pose a threat to national security.

- c. Since MS-13 is a trans-national criminal organization, is the Department of Justice working with counterparts in the Northern Triangle countries to develop a two-front strategy? Are Northern Triangle nations and the Department of Justice working together to prosecute both central MS-13 in El Salvador and affiliates here in the United States?**

The Department works closely with its counterparts in the Northern Triangle to confront gangs in Central America. There are an estimated 85,000 active gang members in the Northern Triangle, whose illegal activities plague Central American communities. But the consequences of gang crime in the Northern Triangle are also felt in the United States, where many immigrants fleeing the Northern Triangle countries seek refuge, and where many young people—both immigrants and U.S. citizens like—are pressured to join gangs. Accordingly, collaboration with our Northern Triangle counterparts is an essential part of the strategy to fight MS-13.

In March 2017, Attorney General Sessions met with the Attorneys General of El Salvador, Guatemala, and Honduras to facilitate a dialogue about strengthening law enforcement cooperation against transnational criminal threats common to all of our countries, such as cartels, gangs, and financial crimes. Following that meeting, the four Attorneys General signed a Joint Declaration to collaborate in the fight against transnational crime. This includes targeting MS-13.

In furtherance of the Joint Declaration, in July 2017, Attorney General Sessions met with his counterparts in El Salvador, Guatemala, and Honduras to continue discussions about international collaboration in the fight against MS-13. That meeting included strategic and

substantive conversations about how to share information about MS-13 gang members and how to obtain and use evidence in gang prosecutions in all four countries.

Those discussions culminated in coordinated law enforcement efforts in both the United States and Central America. In September 2017, senior law enforcement officials from the United States, El Salvador, Guatemala, and Honduras announced the filing of criminal charges against more than 3,800 MS-13 and 18th Street gang members in the United States and Central America in a coordinated law enforcement action known as Operation Regional Shield. This effort resulted in charges filed against more than 70 individuals in the United States in California, Maryland, Massachusetts, New York, Ohio, and Virginia. In addition, law enforcement seized six firearms and charged 284 gang members in Guatemala; seized 14 businesses and 11 luxury vehicles and arrested 12 MS-13 money launderers in Honduras; and filed 3,477 criminal charges, resulting in more than 1,400 arrests in El Salvador.

In addition, in November 2017, the Department and the U.S. Department of Homeland Security announced the results of an operation led by U.S. Immigration and Customs Enforcement with support from federal, state, local, and international law enforcement partners to target MS-13. “Operation Raging Bull” resulted in the arrest of 267 gang members—53 of whom were located in El Salvador, and 214 of whom were located across the United States.

Finally, in December 2017, Attorney General Sessions, then-Acting Assistant Attorney General Blanco, and the Attorneys General of Colombia and Mexico attended a “Trilateral Summit Against Transnational Organized Crime” to renew the existing commitment to international judicial cooperation and to deepen joint strategies in the fight against transnational organized crime. The Attorneys General issued a Joint Declaration in which the three countries agreed to develop and share strategies to effectively combat and dismantle organized criminal structures, and to maximize collective law enforcement capabilities.

OCGS’s, OPDAT’s, and OIA’s work also supports and advances these Joint Declarations signed by Attorney General Sessions and the Northern Triangle Attorneys General. For example, OCGS continues to work with its domestic and international law enforcement partners and the U.S. Attorney’s Offices to investigate and prosecute local, national, and international leaders, members, and associates of MS-13 by bringing the most serious readily provable charges, including Racketeer Influenced and Corrupt Organizations (RICO) Act charges and other federal racketeering offenses, against these individuals who commit acts of violence on behalf of the gang. OCGS has also convened case coordination meetings and conducted information sharing sessions with its U.S. Attorney’s Office partners to ensure that MS-13 gang members are prosecuted for their criminal conduct, even when it traverses state or international borders.

OPDAT, jointly with the FBI Legal Attaché offices (LEGATs) and FBI TAG units, focuses efforts on a regional strategy to combat MS-13 as a means to prosecute MS-13 members and leaders both in the Northern Triangle and domestically. With State Department funding, OPDAT currently deploys five resident legal advisors (RLAs) in El Salvador, Guatemala, and Honduras, who focus on gangs, cartels, financial crimes, public corruption, and other transnational criminal activities. The RLAs work with their foreign counterparts to develop

strategic regional coordination and to encourage the use of specialized investigative tools, such as electronic surveillance, in investigations and prosecutions in the Northern Triangle that touch the United States.

Furthermore, FBI, DEA, and ATF country attachés conduct valuable informal coordination on a daily basis with Northern Triangle country counterparts to lead and coordinate investigative efforts both domestically and internationally. Information obtained in this manner is used to advance U.S. investigations and to identify, disrupt, and dismantle transnational criminal organizations that operate domestically and internationally.

Finally, given its expertise in international legal cooperation, OIA organizes and facilitates high-level dialogues that shape our joint law enforcement strategy against MS-13, while also maintaining a productive working relationship to ensure close coordination on MS-13 cases with an international nexus. OIA works to keep the MS-13 threat at the forefront of our strategic engagement with the region on criminal justice matters by coordinating the Department's role in ministerial level engagements such as the June 2017 Conference on Prosperity and Security in Central America and the March 2017 U.S.-Northern Triangle Transnational Crime Roundtable, as well as by engaging in periodic consultations with its Salvadoran counterparts to advance critical cases.

3. Coordinated State and Local Efforts to Combat MS-13 Brutality

There has recently been a string of brutal, highly publicized crimes committed by MS-13. Since the start of 2017, there have been increased reports of MS-13 gang activity. Police in multiple states are finding bodies of young people who have been killed by the MS-13 gang and left in MS-13 graveyards, often stabbed over and over in secluded areas or in the streets.

There have been at least 17 murders on Long Island, including the killings of two teenage girls with baseball bats and a machete. In Houston, authorities said two gang members have admitted to carrying out a satanic ritual killing of a 15-year-old girl. In the D.C. region at least 15 killings have been tied to the gang since late 2015.

These crimes are horrific, but by no means unique. They are reflective of the violence MS-13 is willing to inflict on American communities in order to achieve control. Clearly, this requires a coordinated federal response. As the Department of Justice itself has acknowledged, MS-13 is becoming a highly centralized organization with clear direction from leaders in El-Salvador.

- a. Given the increasingly sophisticated, coordinated actions taken by MS-13, what steps are the Department of Justice taking to develop and lead a holistic federal response?**

As described above in response to Question 1(a), the Department uses all of the law enforcement tools and resources available to it to prosecute gang cases, including MS-13 cases. Federal prosecutors charge the full range of potential criminal statutes in gang cases, with the

goal of eliminating the gangs' top leadership and dismantling entire criminal organizations. For example, when warranted, prosecutors charge gang members under RICO, which allows the Department to reach a broad range of gang activity, including violations of state law and violations occurring in multiple judicial districts. Likewise, when appropriate, prosecutors also charge gang members with committing violent crimes in aid of racketeering (VICAR), including murder. For example, in 2017, the Criminal Division's OCGS has charged or approved more than 700 defendants in RICO counts, and more than 400 defendants in VICAR counts.

Federal prosecutors also charge other statutes designed to dismantle the financial basis of gangs and to seize gang assets. When appropriate, this includes drug charges, and when possible, prosecutors use federal statutes designed to protect against witness intimidation or tampering, and separately charge the unlawful possession or use of a firearm in furtherance of a drug trafficking crime or crime of violence. For example, in Fiscal Year 2017, U.S. Attorney's Offices nationwide charged more than 12,000 defendants under federal firearms statutes.

Additionally, OCDETF maintains a single, interagency list of the most significant criminal organizations operating in or impacting each of OCDETF's nine regions. These criminal organizations are designated as Regional Priority Organization Targets (RPOTs), and include national and transnational gangs, such as the Black Mafia Family, Bloods, Gangster Disciples, Hells Angels, Insane Spanish Cobras, Latin Kings, Mexican Mafia, Nuestra Familia, Sureños, and Vice Lords. MS-13 is an OCDETF RPOT on the Fiscal Year 2018 RPOT List.

The Department also works closely with state and local law enforcement to investigate and prosecute gang violence, described in more detail in response to Question 3(b), below.

b. Is the Department working with state and local law enforcement to develop a coordinated national response?

The Department works closely with state, local, and tribal law enforcement on gang and violent crime investigations, including MS-13 investigations. For example, task forces permit the Department to share information and leverage its resources to support and strengthen its relationships with state, local, and tribal officers in the joint fight against gang violence.

One of the Department's most long-standing cooperative efforts is the FBI's Safe Streets Violent Crime Initiative, under which each FBI field division may establish FBI-sponsored, long-term, proactive task forces focusing on gangs, violent crime, and the apprehension of violent fugitives. These Safe Streets Task Forces (SSTFs) target multiple gangs, including MS-13, often by pursuing racketeering and continuing criminal enterprise cases in order to remove the gangs' leadership structures and seize the gangs' assets.

SSTFs align FBI agents, local law enforcement, and federal and state prosecutors to identify major violent street gangs and drug trafficking enterprises that pose significant threats to the safety of our communities. By consolidating resources and facilitating information sharing, SSTFs use the expertise of each agency to suppress gang activity and to reduce violent crime. SSTFs capitalize on local law enforcement's partnerships with community leaders to coordinate community resources and action against violent crimes, and to establish a liaison between the

FBI and state and local agencies' community outreach programs. The task force model benefits local law enforcement because it avoids duplication of investigations or expenditures of resources in matters of concurrent jurisdiction, and allows local police agencies to access sophisticated investigative tools or techniques that may be otherwise unavailable to them.

Other specific inter-agency, multi-jurisdictional operations and district-specific arrangements have also successfully targeted gang operations. For example, Operation Sudden Impact targeted gang-related violent crime in Montebello, California through a multi-agency task force comprised of: ATF; the Montebello Police Department; the Los Angeles County Sheriff's Department; and the California Department of Corrections and Rehabilitation Special Services Unit. This effort resulted in solving six cold case gang-related murders, obtaining convictions against dozens of gang associates, and effectively dismantled the Montebello Street gang, a violent street gang operating in Montebello, California.

Likewise, the Detroit Police Department; FBI; ATF; DEA; U.S. Marshals Service; Department of Homeland Security, Immigration and Customs Enforcement-Homeland Security Investigations (HSI); Internal Revenue Service; Michigan State Police; Michigan Department of Corrections; Wayne County Sheriff's Department; Wayne County Prosecutor's Office; and the U.S. Attorney's Office partnered in the "Detroit One Initiative" to prosecute violent crime in the Detroit area. The initiative produced multiple successful prosecutions, including a RICO indictment of the violent Vice Lords street gang. OCGS and the U.S. Attorney's Office obtained seven indictments and convicted a total of 27 leaders, members, and associates of the violent Vice Lords street gang on various charges, including RICO conspiracy, VICAR attempted murder, VICAR murder conspiracy, assault upon a federal officer, witness tampering, and related firearms charges.

Further, with OCDETF funding, as of the week of February 12, 2018, U.S. Attorney's Offices and their federal, state, and local law enforcement partners are prosecuting at least 62 active cases involving MS-13 members. Two previous such cases demonstrate the successes of these collaborative efforts. In 2016, the U.S. Attorney's Office for the Eastern District of Virginia secured guilty pleas of six, and trial convictions of seven, MS-13 members accused of three murders and one attempted murder. All seven defendants who went to trial were sentenced to mandatory terms of life in prison. Also in 2016, the U.S. Attorney's Office for the Western District of North Carolina secured convictions and life sentences of two MS-13 members, and the conviction and nearly six-year prison sentence of a third MS-13 member, in connection with various gang-related crimes, including murder and attempted murder.

In addition to these task forces, the Department fosters ongoing dialogue amongst federal, state, local, and tribal law enforcement officers. For example, in June 2017, the Attorney General's Crime Reduction and Public Safety Task Force convened the National Summit on Crime Reduction and Public Safety (National Summit). The National Summit provided a forum for our law enforcement partners, victims' advocates, and community groups to meet and share ideas about successful strategies in their communities and ways in which the federal government can best support that important work.

c. What resources are being made available to local law enforcement agencies as they cope with increased MS-13 crime?

The Department continues to deploy additional federal resources to the areas hit hardest by gang violence. For example, on June 30, 2017, Attorney General Sessions announced the establishment of the Crime Gun Strike Force, a permanent team of ATF Special Agents, task force officers, intelligence research specialists, and ATF Industry Operations investigators, who have been deployed to Chicago, IL, to assist Chicago Police Department task force officers, Illinois State Police task force officers, and ballistics specialists in targeting the most violent offenders, including gang members, in that city.

In addition, the Department's grant-making components also support local law enforcement's efforts to fight gang violence by targeting funds to the communities most in need. For example, applicants who apply for funding from the Department's COPS Hiring Program and choose as their problem focus area criminal gang violence will receive additional consideration for funding for officer positions. Likewise, applicants for the Community Policing Development Microgrant Initiative through COPS could choose to focus on violent crime and/or gang reduction. These programs will allow local jurisdictions to target federal funding on problems specific to their communities.

Additionally, the Department provides a range of gang-related information and resources through the National Gang Center (NGC), which is jointly funded by the Department's Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention, and the Bureau of Justice Assistance. The NGC offers stakeholders in the fields of law enforcement and criminal justice, as well as community organizations, comprehensive resources, training, and strategic tools to prevent gang violence, reduce gang involvement, and suppress gang-related crime.

Finally, in June 2017, the Department announced the creation of the National Public Safety Partnership (PSP), an additional resource that will allow the Department to directly engage with cities to identify and prioritize resources that will help local communities address violent crime crises, including those related to gun violence, gangs, and drug trafficking. The PSP offers participant cities two levels of engagement based on the needs of the jurisdiction: diagnostic teams focus on assessment and strategy development, with the goal of helping the location develop tools to diagnose and address dynamic violent crime issues affecting the community; and operations teams provide recipient sites with intensive training and coaching over a three-year period to equip the localities with a lasting, coordinated law enforcement structure. This model will enable the Department to provide cities of different sizes and diverse needs with data-driven, evidence-based strategies tailored to the unique local needs of the jurisdiction. To date, 12 sites have been selected to receive this assistance.

4. Immigration Enforcement and the "Chilling Effect" on Crime Reporting

Opponents of President Trump's immigration enforcement policies have consistently asserted that increased enforcement leads to a lack of cooperation between local police and unauthorized immigrant communities. This argument maintains that because unauthorized immigrants are afraid of being deported should they report a crime—and

subsequently reveal their immigration status—to local law enforcement agents, they will instead allow the crime to go unreported, in essence “chilling” their engagement with the local community.

In response to questions from Senators Franken and Blumenthal, you indicated that in your 28 years of federal practice you “have not seen” the fear of deportation being a predominant reason unauthorized immigrants do not report crime. Instead, you asserted that the fear of reprisal from the very criminals who original victimized them is the primary reason unauthorized immigrants refuse to cooperate with law enforcement officers.

- a. Can you describe in more detail why the threat of reprisal from hardened criminals—as opposed to the immigration status of the victim—has a greater chilling effect on criminal reporting?**

There are many reasons, individually or collectively, that victims or witnesses may choose not to report crimes to law enforcement, such as linguistic and cultural barriers, immigration status, fear of reprisal from criminals, and mistrust of law enforcement. One of the most compelling reasons people fail to report criminal activity is fear of reprisal from criminals.

Gang-related witness intimidation poses a problem to communities across the United States. According to the NGC, witness intimidation is so prevalent that it is now considered a part of normal gang behavioral dynamics. The NGC reports that the mere presence of gangs in a community creates a generalized fear of intimidation that hinders witness cooperation.

This is particularly true of MS-13. The gang’s motto is murder, rape, and control, and it is known for outrageous violence. It is this reputation that often causes a chilling effect on the communities MS-13 targets.

The effectiveness of MS-13’s reputation for violence is compounded by the fact that it often commits crimes on its own turf, and preys on marginalized communities comprised, like MS-13 itself, of immigrants or descendants of immigrants from the Northern Triangle countries, particularly El Salvador. The potential for witness intimidation increases when the perpetrators and victims or witnesses have a personal connection—for example, if the perpetrators and victims or witnesses grew up in the same neighborhood, went to school together, or live near each other. Those individuals are particularly vulnerable to the gang’s intimidation tactics. Victims and witnesses may also face public ridicule for turning against gang members in their own communities. Moreover, immigrant communities may be fearful or distrustful of the police as a result of their interactions with law enforcement in their home countries. Finally, MS-13’s reach extends to the home countries of many immigrant victims and witnesses, where MS-13 operates outside the reach of U.S. law enforcement authorities; therefore, many victims and witnesses often fear that the gang will target their family members in their home countries. This is an incredibly powerful tool used by the gangs, and one proven to be extremely effective.

Under these circumstances, where law enforcement lacks this community support, neighborhoods see gang members quickly returning to the streets following arrests. This

dynamic only further frightens victims and witnesses and prevents future cooperation with law enforcement.

b. What steps are being taken by the Department of Justice to protect unauthorized immigrant crime victims from reprisal by MS-13 or other organized criminal organizations?

The Department takes seriously all threats of reprisal to victims and witnesses of crimes, whether they are in the United States legally or illegally, and employs multiple strategies to secure the safety of these individuals.

Because violent crime and gang investigations are often long-term, prosecutors and agents work together to maintain relationships with victims and witnesses throughout the pendency of the investigation and litigation. These efforts help prosecutors to develop relationships of trust, confidence, and cooperation with victims and witnesses. For example, during investigations and prosecutions, federal prosecutors take precautions to ensure that identifying information, including names and addresses, is redacted from information turned over to the defense, protected by strict court orders, and withheld until an appropriate time before trial, when possible, to protect victims' and witnesses' safety. In addition, the U.S. Attorney's Offices have dedicated victim-witness coordinators, who may further successful gang prosecutions by offering victims and witnesses the support services they need while cooperating with the investigation. When appropriate, the Department also works with the Department of Homeland Security to address victims' and witnesses' concerns regarding visas or other immigration issues, or with appropriate federal, state, or local law enforcement officials regarding issues of probation and parole.

The Department is also committed to the vigorous and prompt investigation and prosecution of those who attempt to intimidate victims or witnesses. This sends the message to gang members that the Department will not tolerate such conduct.

Finally, the Department's Executive Office for Immigration Review is responsible for adjudicating immigration cases. When appropriate, immigration judges may order the removal of gang members from the United States, thereby protecting victims and witnesses of gang violence from further victimization or acts of retaliation.

c. Do state and local policies prohibiting law enforcement from cooperating with federal immigration authorities have a chilling effect on the reporting of local crime? Has the Department of Justice found that in so-called "sanctuary" jurisdictions, there is more difficulty in securing cooperation from unauthorized immigrant victims and witnesses of crime?

Although fear of immigration repercussions may influence some victims or witnesses when deciding whether to report crime to law enforcement, there may also be many other reasons for a perceived chill in the communications between law enforcement and immigrant communities, as described above in response to Question 4(a). As Mr. Blanco testified before the Committee, federal investigations rely, in part, upon information from victims and witnesses.

Therefore, when victims or witnesses are unwilling to work with federal investigators—for any reason—that can impact the Department’s investigations. There is also litigation pending regarding Executive Order 13768, so it would not be appropriate to comment beyond information in the Department’s public filings in that matter.

Questions from Senator Cruz

I. Federal Engagement of MS-13

1. What specifically is the federal government doing to combat MS-13 in Texas?

The U.S. Attorneys' Offices in Texas, in cooperation with their federal and state partners, are targeting MS-13, as an organization, through use of the Racketeer Influenced Corrupt Organization (RICO) Act, violent crime in aid of racketeering (VICAR), and drug conspiracy laws, and, as individuals, through immigration violations, firearms charges, and narcotics trafficking charges, among others. The Texas Gang Assessment conducted by Texas Department of Public Safety (DPS) in 2015 estimated the presence of 800 MS-13 members in Texas, most of whom are reported as being in the Houston area, which is located in the Southern District of Texas.

In the U.S. Attorney's Office for the Southern District of Texas, gang membership is one of the criteria considered when evaluating a case for prosecution of immigration and firearms offenses. In addition, AUSAs from the U.S. Attorney's Office for the Southern District of Texas' Violent Crime, Organized Crime, and Narcotics Sections regularly consult on operational and prosecution issues with agency partners at the Texas Anti-Gang Task Forces (TAGs). TAGs are state-funded task forces comprised of federal, state, and local agencies, including the Federal Bureau of Investigation (FBI); the Drug Enforcement Administration; the Bureau of Alcohol, Tobacco, Firearms and Explosives; the Department of Homeland Security, Immigration and Customs Enforcement-Homeland Security Investigations (HSI); DPS; the Houston Police Department; and the Harris County District Attorney's Office. Nationally, the U.S. Attorney's Office for the Southern District of Texas maintains contact with the Criminal Division's Organized Crime and Gang Section, which targets MS-13.

In the U.S. Attorney's Office for the Western District of Texas, immigration agencies report identified gang members found illegally in the United States for prosecution. The U.S. Attorney's Office for the Western District of Texas prosecutes virtually all readily provable immigration offenders apprehended in the district and referred by the agencies for criminal prosecution, but significant priority is given to those offenders who present a risk to public safety identified by gang or cartel membership, criminal or prior illegal immigration history, dangerous conduct, or other aggravating circumstances. Therefore, MS-13 gang members found illegally in the United States are aggressively prosecuted.

The U.S. Attorney's Office for the Northern District of Texas in Dallas has begun an initiative to support HSI's efforts with DPS and the Texas Department of Criminal Justice to identify and prosecute incarcerated gang members, including MS-13, who have obtained their naturalization by fraudulent means, so that upon conviction they can be denaturalized and deported. The U.S. Attorney's Office for the Northern District of Texas targets the most dangerous, violent offenders for prosecution.

The U.S. Attorney's Office for the Eastern District of Texas has not seen a significant presence of MS-13 in that district.

2. Have federal agencies been working with the Texas Department of Public Safety effectively on this issue? If so, how?

Funding grants by the State of Texas permitted the establishment of TAGs in San Antonio and El Paso. TAGs are organized by DPS and co-locate members of each of the federal law enforcement agencies with state and local officers to coordinate law enforcement efforts to aggressively and effectively target, disrupt, and dismantle area gangs, including MS-13.

DPS is an integral member of the TAGs. Its officers have served as co-case agents in numerous multi-defendant federal prosecutions of violent street and prison gangs. Historically, DPS officers have also provided vital intelligence on prison and street gangs necessary to effective prosecution.

3. What specific programs, if any, have been the most beneficial in Texas?

The TAGs' multiagency cooperative approach has allowed federal, state, and local partners to target organized MS-13 cells. The environment fosters sharing the expertise from each member agency in proactive investigations aimed at disrupting and dismantling MS-13 cells, particularly in the Houston area.

Additionally, in the Western District of Texas, anti-gang task forces led by area police departments, the FBI, DPS, and HSI have been particularly effective in combating gangs. For example, these task forces have developed evidence sufficient to bring RICO and VICAR charges against gang leaders of the Texas Mexican Mafia, the Texas Syndicate, the Latin Kings, Barrio Aztecs, the Aryan Brotherhood of Texas, Tango Blast, the Bandidos, and the Sureños, as well as Blood- and Crip-affiliated gangs. Federal and state prosecutors work together with these task forces to coordinate efforts to aggressively prosecute members of these organizations.

II. Border Control

1. How significant of an impediment are sanctuary cities to federal efforts combatting MS-13?

The Department of Justice (Department) has a long history of working cooperatively with state and local governments on a range of law enforcement priorities, including violent crime, homeland security, illegal narcotics trafficking, human trafficking, and immigration. This cooperation and the reciprocal exchange of information between the federal government and its state and local law enforcement partners is vital to the Department's law enforcement priorities. Moreover, as Mr. Blanco testified before the Committee, federal investigations rely, in part, upon information from victims and witnesses. Therefore, when victims or witnesses are unwilling to work with federal investigators, for any reason, that can impact the Department's investigations. Beyond that, there is litigation pending regarding Executive Order 13768, so it would not be appropriate to comment beyond information in the Department's public filings in that matter.

Questions from Senator Sasse

1. **The surge of unaccompanied alien minors—mostly from Central America—into this country has affected every state in the union, not just large states or those with disproportionately large Central American populations. For example, over the past three-and-a-half years, 1,425 such minors have been released into Nebraska alone. A number of my colleagues have drawn attention to how gangs—especially MS-13—are troublingly well positioned to prey on these young people both as recruits and as victims, presenting threats both to these young people and to the surrounding communities. In particular, I want to focus on the growing problem of sex trafficking associated with an organization like MS-13. I have heard from a number of law enforcement officials and civic leaders in Nebraska about this disturbing problem, and I would like your help understanding what the federal government is doing to address it.**
 - a. **Is it your impression that MS-13 and other gangs are increasingly involved in sex trafficking?**

The Department of Justice (Department) is not aware of any empirical data available to indicate whether MS-13 or other gangs' involvement in sex trafficking is increasing, either in absolute terms or relative to the gangs' involvement in other criminal activity.

Gangs, including MS-13, often engage in range of criminal activity in support of the gang's criminal enterprise, including extortion, drug dealing, prostitution, and sex trafficking. For example, extortion serves as MS-13's primary source of revenue. Gang members extort legal and illegal Central American immigrants, individuals who do not want to join the gang, and individuals who no longer want to be active members of the gang. In El Salvador, gang members may be involved in sex trafficking because they demand and receive extortion payments from groups conducting this activity. The activities of U.S.-based MS-13 cliques who participate in prostitution and sex trafficking appear to be de-centralized and dependent upon location.

Nonetheless, through concerted efforts of federal, state, and local law enforcement, in partnership with non-governmental and community-based organizations, the Department has increased its capacity to detect and interdict human trafficking crimes, assist trafficking victims, and bring traffickers to justice. The U.S. Attorney's Offices, the Criminal Division's Child Exploitation and Obscenity Section (CEOS), and the Civil Rights Division's Human Trafficking Prosecution Unit (HTPU) all work to target and dismantle organized criminal networks that profit from the victimization of others.

Gang members who engage in such conduct face severe penalties. For example, between 2011 and 2013, the U.S. Attorney's Office for the Eastern District of Virginia prosecuted four MS-13 members engaged in prostituting young girls, many of whom were between the ages of 14 and 17. After a jury convicted one of those men—an MS-13 "shot caller"—of conspiring to commit sex trafficking of a child and three counts of sex trafficking three girls, he was sentenced to 50 years in prison.

In addition, for unaccompanied children in immigration court proceedings, the Executive Office for Immigration Review's Legal Orientation Program for Custodians of Unaccompanied Alien Children (LOPC) informs the children's custodians of their responsibilities in ensuring the children's appearances at all immigration proceedings and protects the children from mistreatment, exploitation, and trafficking, as provided under the Trafficking Victims Protection Reauthorization Act of 2008. As part of this work, the LOPC providers are available to screen children referred by the immigration judges for suspected trafficking.

b. Isn't it the case that from the perspective of the gang members, sex trafficking offers some appealing advantages over other forms of criminal moneymaking enterprises? Specifically:

i. Isn't it less risky to engage in sex trafficking—as opposed to drug trafficking—because of current law enforcement priorities and penal outcomes in many jurisdictions?

The Department is not aware of any data reflecting how gang members assess the perceived advantages or relative risks of apprehension when engaging in sex trafficking as compared to other forms of criminal moneymaking enterprises, including drug trafficking. However, because sex trafficking is now largely conducted online, criminals may perceive it to be “safer” than narcotics trafficking or distribution, or other illicit activities that often require acquisition and protection of geographical turf.

Combating human trafficking is a high-level law enforcement priority of the Department, and federal sex trafficking offenses are punishable with severe sentences of ten years to life, depending on the nature of the offense. Human trafficking can, however, be difficult to detect, investigate, and prosecute because many trafficking victims are reluctant to cooperate with law enforcement. Successful enforcement depends on trauma-informed, victim-centered strategies to stabilize victims and overcome their reluctance, which is often based on fear of arrest, fear of retaliation, or loyalty to a trafficker who has psychologically manipulated the victim into forming an emotional bond with the trafficker.

ii. Doesn't sex trafficking offer the financial advantage to a criminal of being able to sell repeated temporary use of the illicit “good” in question—in this case, sex with the victim—rather than permanently relinquishing possession of the “good”—as in the case of drug trafficking—thus reducing cost and potential criminal liability in ensuring a steady supply of illegal “goods” for sale?

The Department is not aware of any data reflecting how gang members assess the perceived financial advantages of sex trafficking as compared to narcotics trafficking. However, it is accurate to state that drug traffickers permanently relinquish possession of the contraband being trafficked; in contrast, sex traffickers “sell” sex acts with their victims to multiple customers, and can generate thousands of dollars a week in prostitution proceeds from providing a single victim to multiple customers. Moreover, a single victim can be exploited for the

trafficker's profit for months—or sometimes years—until the victim escapes or is identified and recovered by law enforcement. Therefore, some criminals may perceive obtaining a victim to exploit as easier and as cheaper than obtaining drugs to sell, and exploiting that individual repeatedly as more lucrative than the narcotics trade.

But the financial advantage of repeatedly “re-selling” the same victim does not, in itself, reduce potential criminal liability. Rather, traffickers' ability to intimidate or manipulate their victims into silence enables them to conceal their illicit “commodity” in plain sight, evading detection for months, if not years.

iii. Don't gang members' extensive preexisting experience with violence and intimidation give them the core skills that human traffickers use to exploit and control their victims?

While some gang-affiliated human traffickers use violence and intimidation to control and coerce their victims, many use psychological coercion and deception to lure emotionally vulnerable victims on false promises of love, a loyal “family,” lucrative economic opportunities, and an escape from poverty and despair. In many instances, psychological manipulation alone is sufficient to entice a victim into a relationship with a gang-affiliated trafficker, who then isolates the victim from friends and family, rendering her both psychologically and financially dependent on the trafficker. In these instances, the trafficker may resort to violence and intimidation only when a victim breaks one of the trafficker's rules or attempts to leave, but may otherwise rely primarily on isolation and psychological coercion to maintain control.

iv. Don't recent Central American arrivals present particularly inviting victims for traffickers, given the linguistic and cultural barriers to building strong relationships in their new communities?

Traffickers are adept at targeting victims' vulnerabilities. Undocumented migrants are often vulnerable to sex trafficking and labor trafficking because they are linguistically and culturally isolated, and may be reluctant to contact law enforcement, fearing they will be arrested, detained, or deported, or for the other reasons described above in response to Chairman Grassley's Question 4(a). However, traffickers also frequently target U.S.-citizen victims with other vulnerabilities, such as a disability, an emotional instability, a history of physical or sexual abuse, homelessness, addiction, or lack of stable family support; they also prey on U.S. victims' family members in their home countries. Many MS-13-affiliated sex traffickers prey on U.S.-citizen victims by identifying young, emotionally vulnerable, adolescent girls with troubled backgrounds and luring them with false promises and psychological manipulation before compelling them into prostitution.

1. Isn't this problem particularly acute in states, such as Nebraska, with smaller Central American populations?

Traffickers prey on any vulnerability, including cultural or linguistic isolation, and the lack of a supportive community can contribute to a victim's isolation. Traffickers also manipulate other vulnerabilities, frequently targeting runaway and homeless youth, adolescents

in foster care, teens seeking to escape troubled or abusive homes, and immigrants who have recently arrived to the United States and are not well integrated into American society.

- v. **Doesn't the transnational nature of a gang such as MS-13, with an extensive presence in both Central America and the United States, equip them with a particular advantage in tracking and exploiting potential victims?**

While MS-13 is a transnational criminal enterprise, many criminal acts perpetrated by MS-13 members are localized. MS-13 sex trafficking activities may involve U.S.-based M.S.-13 members recruiting U.S.-citizen and U.S.-resident victims locally, then providing them to customers for commercial sex, all within a single U.S. metropolitan area. For example, the majority of CEOS' prosecutions of child sex trafficking cases have involved victims who were residing in the United States at the time they were initially recruited, rather than victims who were trafficked across international borders.

Questions for all witnesses:

1. **In combating criminal activity in general and human trafficking in particular, data sharing between law enforcement organizations can be crucial for investigating and disrupting the activity in question. From my discussions with law enforcement and academic experts in Nebraska and around the country, it's my understanding that disrupting human trafficking can require unusually sophisticated and sustained analysis, which in turn requires having as much relevant data as possible to analyze. As such, the need for effective cooperation among law enforcement agencies is particularly pressing. In Nebraska, I'm seeing a really strong urge from a number of agencies at all levels of government to engage on this problem, and a number of outstanding leaders in the state are working to facilitate the sort of inter-agency cooperation we need for these efforts to succeed.**
 - a. **Can you each speak to your agencies efforts to cooperate with other agencies at the federal, state, and local level to cooperate on the problem of human trafficking, especially when it comes to data sharing?**

The successful disruption of human trafficking networks requires effective cooperation and collaboration among federal, state, tribal, and local law enforcement agencies. The Department participates in various collaborative efforts at the international, federal, state, and local levels to deter and disrupt human traffickers.

The Department is an active participant in the five committees of the interagency Senior Policy Operating Group, which provides regular opportunities to exchange information and engage in dialogue to resolve challenges in anti-trafficking enforcement, including identifying potential cases and ensuring services are available to stabilize survivors (some of whom are potential criminal victim-witnesses) and ultimately help them to rebuild their lives.

Because federal human trafficking statutes find roots in the prohibition against slavery and involuntary servitude, the Civil Rights Division's HTPU plays an important role in enforcing these statutes. HTPU prosecutors work closely with U.S. Attorney's Offices and law enforcement agencies to streamline trafficking investigations, ensure consistent application of trafficking statutes, and identify multijurisdictional trafficking networks. HTPU leads the Anti-Trafficking Coordination Teams (ACTeam) Initiative, currently without designated funding, which has launched ACTeams in 12 federal districts to coordinate and focus the resources of federal law enforcement partners at the Department; the Federal Bureau of Investigation (FBI); U.S. Department of Homeland Security, Immigration and Customs Enforcement – Homeland Security Investigations (ICE-HSI); the U.S. Department of Labor (DOL), Office of Inspector General; and the DOL Wage and Hour Division, all of whom received advanced training. ACTeams participating in the pilot phase of this initiative yielded significantly more investigations and convictions than non-participating districts. The Department's Bureau of Justice Assistance and Office for Victims of Crime currently fund 27 human trafficking task forces to bring together federal, state, and local law enforcement authorities, government agencies, and nongovernmental victim-service providers in a multidisciplinary approach to identify human trafficking crimes, assist the victims, and prosecute the offenders. Law enforcement members of these task forces regularly meet to collaborate and exchange information about potential cases of human trafficking and ongoing investigations.

The Criminal Division's Human Rights and Special Prosecutions Section (HRSP)—which is charged with prosecuting human rights violators and immigration offenses that undermine the integrity of the nation's borders—also works closely with HTPU on any smuggling cases that raise issues of human trafficking. HRSP also co-chairs an Interagency Working Group on Smuggling and Trafficking (IWG). The National Security Council's Policy Coordination Committee on International Crime established the IWG as a forum for coordinating increased interagency efforts against the migrant smuggling problem. The IWG has a targeting subgroup whose role is to identify for investigation and prosecution the most dangerous international alien smuggling networks, especially those that pose a threat to national security.

The Criminal Division's CEOS enforces federal criminal statutes relating to the exploitation of children and obscenity. The U.S. Attorney's Offices and CEOS jointly lead a nationwide initiative called Project Safe Childhood to combat child exploitation and sexual abuse. Project Safe Childhood marshals federal, state, and local resources to locate, apprehend, and prosecute individuals who exploit children via the internet, as well as to identify and rescue victims. Each U.S. Attorney's Office has designated one federal prosecutor to serve as the human trafficking coordinator for that district, as well as a Project Safe Child coordinator. These prosecutors help coordinate anti-human trafficking efforts with federal, state, local, and tribal law enforcement agencies, including investigating and prosecuting human trafficking cases discovered in those districts.

Finally, the Criminal Division's Office of Overseas Prosecutorial Development, Assistance, and Training (OPDAT) currently leads an effort to increase multilateral operational and intelligence information sharing in gang cases, including those that involve trafficking. OPDAT, together with HTPU, provides case mentoring to Mexican anti-trafficking units, which has resulted in convictions in the United States of major Mexican human traffickers. These

investigations and prosecutions are part of the HTPU-led U.S.-Mexico Bilateral Enforcement Initiative, a collaboration between the Department, relevant U.S. Attorney's Offices, ICE-HSI, and Mexican law enforcement counterparts. OPDAT is actively seeking ways in which to replicate this successful program in Central America. Specifically, OPDAT has a pending proposal to implement regional anti-trafficking capacity building that would increase case coordination among the Northern Triangle countries, improve their ability to assist victims, and disrupt and dismantle trafficking networks, including those used by MS-13. The proposal also aims to link the Northern Triangle authorities with their Mexican counterparts, as well as spread the AMBER Alert system to Central America.

The Department regularly conducts and funds training to assist federal, state, local, and tribal law enforcement agencies with best practices for investigating and prosecuting human trafficking cases, including how to take a victim-centered approach to these cases. In addition, the Department funds studies of various aspects of human trafficking, certain of which are available to the public. These studies include ways to combat human trafficking.

The Department is also committed to using technological tools to enhance collaborative efforts to disrupt human trafficking and has worked to develop and disperse these tools to federal, state, and local authorities. Law enforcement may be able improve its targeting of traffickers by ensuring that existing data-mining tools that facilitate victim identification and rescue—and eventual offender prosecution—are sustainable, non-duplicative, deployed and leveraged effectively by investigators, and responsive to the technological evolution of offense conduct. In addition, the Department is working to augment and enhance ongoing collaborative law enforcement operations, such as through surgical sting operations facilitated by these technological tools, which will allow law enforcement to focus limited resources on the sex trafficking victims most likely to be minors.

Questions from Senator Flake

1. A huge concern I hear from local law enforcement is the ability to continue a trusted partnership with federal agencies, especially in areas such as the threat of MS-13, as they share your goal for community safety.

a. Mr. Blanco, with respect to MS-13 membership, can you describe your efforts to work with the local prison systems to deter recruitment and prevent the direction of criminal activity from behind bars?

The Department of Justice (Department), through the Bureau of Prisons (BOP), works collaboratively with federal, state, and local law enforcement partners to thwart gang recruitment and activity from within prisons.

In partnership with other law enforcement agencies, BOP identifies, validates, and tracks inmates who are suspected of being affiliated with any of over 93 different gangs, groups, or cartels, known within the BOP as Security Threat Groups (STGs). Once an inmate is validated as a member or associate of an STG, BOP enhances monitoring of the inmate's social communications and activities within the prison to prevent the inmate from continuing to conduct gang activities while incarcerated. BOP staff monitor inmates' telephone calls, electronic messages, visit histories, and financial transactions to identify outside parties who may be assisting inmates identified as members of STGs to continue their gang or criminal conduct while incarcerated.

Multiple BOP entities assist in tracking and disrupting communications between incarcerated gang members and gang members in the community, including MS-13 members. These entities analyze links between BOP inmates and groups involved in criminal activities, transnational organized crime, human trafficking, and human smuggling. They also serve as links between BOP and other federal, state, and local law enforcement partners.

For example, the Central Office Intelligence Section within the Intelligence and Counter Terrorism Branch of BOP designs, builds, and implements intelligence and investigative databases used to track gang members and their contacts in the community. Likewise, the Joint Intelligence Sharing Initiative, a collaborative effort between the BOP Intelligence Section and the Federal Bureau of Investigation (FBI) Safe Streets Task Force, facilitates gang intelligence information sharing among the Department's law enforcement partners. Through this program, BOP has embedded 20 BOP Intelligence Officers in local FBI Safe Streets Task Forces in 14 major metropolitan areas, which permits the agencies to share information to initiate or bolster major gang and criminal cartel investigations, and provides BOP with information on incoming inmates' criminal or gang affiliations, which ensures proper monitoring within the BOP.

In addition to participating in Safe Streets Task Forces, BOP has staff assigned to or embedded with multiple other task forces and agencies to facilitate gang-related information-sharing. BOP has one staff member assigned to share BOP intelligence with the U.S. Border Patrol and with the Department of Homeland Security, Immigration and Customs Enforcement-Homeland Security Investigation's MS-13 initiative, which has led to information concerning the

identification of illicit money transactions, possible fraud, narcotics trafficking, fugitive apprehension, and other crimes being committed by MS-13 members in the United States. BOP has one staff member assigned to the California Intelligence Task Force, which ensures timely prison gang intelligence sharing among the California Department of Corrections and Rehabilitation, the FBI, and BOP. BOP has two staff members assigned to the National Gang Intelligence Center, which facilitates information sharing among federal, state, and local law enforcement and corrections officials. BOP has one intelligence position embedded in INTERPOL to use prison gang intelligence to combat gang and cartel activity throughout the world. In addition to sharing physical resources, BOP also shares data from its inmate management system through an FBI system that is also available to other federal, state, local, and tribal law enforcement agencies.

The Department's ability to collect gang intelligence enables it to develop law enforcement strategies and intelligence operations in consultation with state and local law enforcement, and also assists the Department in managing inmates and protecting both institution security and the public.

Other Department components also play important roles in the Department's efforts to thwart gang violence behind bars. For example, the Criminal Division's International Criminal Investigative Training Assistance Program (ICITAP) works to strengthen the Department's relationships with state and local law enforcement partners by:

- hosting monthly meetings with prison and local jail facilities on intelligence issues relating to MS-13 and other dangerous gangs. These meetings bring together regional experts and provide a forum to share ideas and best practices that help to detect, disrupt, and deter criminal activity within prisons and jails. The meetings also serve to build trust and unity amongst these professionals;
- working closely with the Maryland Department of Public Safety and Correctional Services and its prison subject matter experts in sharing ideas and methods for improved prison management; and
- regularly delivering intelligence presentations at American Correctional Association Conferences to provide prison and jail professionals with necessary information on how to build and develop intelligence-sharing programs.

Questions from Senator Mazie K. Hirono

1. **According to law enforcement, fear of retaliation by gang members has historically dissuaded witnesses and victims from reporting gang violence. Victims are afraid of providing information to law enforcement concerning gang violence because MS-13 threatens their families and friends both in the U.S. and abroad.**
 - a. **When the local community is unwilling or simply too afraid to work with law enforcement, what effect does that have on DOJ's ability to investigate and prosecute members of MS-13?**

Victims' and witnesses' fear of reprisal by gang members directly impacts the Department of Justice's ability to investigate and prosecute gang cases. Gang members' threats of retaliation against victims and witnesses undermine the confidence of the community in the government's ability to protect them. And when victims and witnesses do not believe that they can report crimes to the police for fear of gang retaliation, affected communities often see gang members quickly returning to the streets following arrests. This dynamic only further frightens victims and witnesses against cooperation. In sum, witness intimidation, including threats against the victims of crimes, infringes upon the effective and fair operation of the criminal justice system—without witnesses, the system will not work.