

# PANDILLAS AND SECURITY IN CENTRAL AMERICA

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*Abstract: This article introduces the topic of pandillas (street gangs) and their implications for security in Central America. There is minimal scholarly literature on pandillas and security. In part this is due to serious challenges in analyzing pandillas. First, pandilla members consider truth to be situational; data derived directly from them is suspect. Second, those who know most about them are involved in NGOs that rely on foreign assistance for their work. The project reports they produce go to funders abroad and are generally not published. Third, to research and write on pandillas is dangerous.*

The 2010 *Latinobarómetro* documents with representative sample survey data what many citizens and observers have already experienced and decried: “Since 2004 there has been an uninterrupted increase in the perception of crime (*delincuencia*) as the main problem in the region, from 9 percent to 27 percent in 2010, the highest point since we began to measure” (Corporación Latinobarómetro 2010, 12). In this same survey the spontaneous mention of crime as the main problem in the region was 43 percent in El Salvador, 35 percent in Guatemala, and 25 percent in Honduras (Corporación Latinobarómetro 2010, 15). The perception is buttressed by the fact that homicide rates in the region are the highest in the world, with El Salvador, Guatemala, and Honduras averaging 63 homicides per 100,000 (UNODC 2011, 23). The geographically very distant, Buenos Aires–based Red de Seguridad y Defensa de América Latina (RESDAL) in July 2011 began publishing *Índice de seguridad pública y ciudadana en América Latina*, concentrating its first edition on El Salvador, Guatemala, and Honduras (RESDAL 2011).

In the context of a high concern about crime, there seems to be no doubt that the role of *pandillas*, or street gangs, is important. There is, however, still little scholarly literature whereby a serious student can begin to understand this topic, let alone its implications for security. José Miguel Cruz edited one small and very limited book in English, *Street Gangs in Central America*, with a print run of 550 (Cruz 2007b), and Dennis Rodgers as well as Sonja Wolf have produced several very good articles (Rodgers 2006, 2007; Rodgers and Muggah 2009; Wolf 2011a, b, c, 2012a, b). There is a dichotomy between roughly the law enforcement community,

The present article grew out of a nine-year research project that resulted in the publication of *Maras: Gang Violence and Security in Central America*, edited by Thomas C. Bruneau, Lucía Dammert, and Elizabeth Skinner (Austin: University of Texas Press, 2011). The views expressed in the book and in this article are the authors’ alone and do not necessarily represent those of the Department of Navy or the Department of Defense.

on the one hand—the Federal Bureau of Investigation (FBI) and local police forces in the United States, and the national civilian police forces, at least in El Salvador, Guatemala, and Honduras—and nongovernmental organizations (NGOs), think tanks, and some scholars in Central America and the United States, on the other hand. While the former tend to prepare reports and compact discs for meetings and conferences of like-minded law enforcement personnel, the latter also prepare reports and CDs. In neither case are the reports and CDs widely disseminated.<sup>1</sup> There is minimal cross-fertilization. A number of serious difficulties face researchers on this topic. First, it is widely recognized, and even codified in California law, for example, that pandilla members approach truth as situational, and this fact impedes data collection through the standard instruments of surveys.<sup>2</sup> Second, few researchers are objective. The law enforcement community tends to overdramatize the threat of the pandillas in order to increase their budgets. The NGO and academic researchers rely on foreign funds for their work, and some of their reports are influenced by the orientation of their funders. Furthermore, it can be very dangerous to conduct firsthand research on the pandillas, because their main identifying characteristic is the widespread use of violence. This violence is easily directed toward others, even potential friends, particularly when drugs are involved, as they very frequently are. There is the example of Christian Poveda, who filmed what most outsiders considered a favorable documentary on the Calle 18 pandilla, and who was assassinated by a member of that group on September 2, 2009; his killer was subsequently killed by a member of that same pandilla. (Personal communication from Sonja Wolf, who worked with Christian Poveda on the film *La vida loca*. On the film, see Wolf 2011b.)

The purpose of this article is modest: to establish a baseline of knowledge on pandillas and security in the region. I will provide information on nine different topics that in some way condition or define the pandillas in Central America and their implications for security. Together, these topics will provide the reader with an overview to better begin to understand the phenomenon.

#### THE PROPITIOUS CONTEXT FOR THE GROWTH OF GANGS

The countries in Central America—Belize, Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, and Panama—are new democracies, with the exceptions of Belize and Costa Rica. Until the mid-1990s, they were all under nondemocratic rule in which the armed forces, along with other security forces, supported au-

1. The author has available CDs from the antipandilla conferences held in San Salvador between 2005 and 2008 with wide participation from police forces in the region, the FBI, and some local US police forces. A fairly representative collection of NGO and academic papers, sponsored in part by the Washington Office on Latin America (WOLA), can be found in WOLA, "Transnational Study of Youth Gangs," March 30, 2007, [http://www.wola.org/publications/transnational\\_study\\_on\\_youth\\_gangs](http://www.wola.org/publications/transnational_study_on_youth_gangs).

2. For example California law, 125 Cal. App. 4th 1195, 1201–1202, states: "A member gains respect within the gang by lying to the police, fabricating defenses, misidentifying people, hiding evidence or aiding in the escape of a gang member who commits a crime." In my experience in Guatemala with ex-gang members, the lying extends beyond the police to any outsider. After sizing you up, the gang member tells you what he determines most useful for the situation at hand.

thoritarian governments and prevented an opposition from organizing and mobilizing. Various groups came into violent conflict with these repressive regimes. In Nicaragua, the Frente Sandinista para Liberación Nacional (FSLN) took power through a revolutionary insurgency against the country's right-wing dictatorship in 1979. Throughout the 1980s, with support from the Soviet Union via Cuba, the Frente Farabundo Martí para la Liberación Nacional (FMLN) in El Salvador engaged in a vicious internal conflict with the authoritarian government. In Guatemala, several armed opposition movements fought one another and Guatemala's violently repressive, junta-led regime for thirty-six years (Woodward [1976] 1999).

Political peace became possible across Central America with the end of the Cold War and the separate but interrelated dynamics of conflict in each country (the virtual stalemate between the government forces and the FMLN guerrillas resulting from their final offensive in November 1989, the electoral defeat of the FSLN in 1990, and the victory in 1996 of the Guatemalan Army). Furthermore, in all but Honduras, which did not experience the same armed conflict as the others, the peace processes were brokered by the United Nations with support from other countries. In all cases, the negotiations included measures to establish electoral democracies.

In a Congressional Research Service (CRS) report on economic and social indicators, all four Central American countries under consideration here are classified as lower-middle income. Gross national income per capita covers a wide range: El Salvador, \$2,850; Guatemala, \$2,440; Honduras, \$1,600; and Nicaragua, \$980 (Gomez-Granger 2009). (Within the region, only Haiti is classified as low income, with an average per capita income of \$560 before the January 2010 earthquake.) The United Nations Human Development Report aggregates various measures of health, education, and access to economic opportunity, and ranks countries according to how well they meet these basic needs; the lower the number, the more developed the society. The United Nations Development Program ranks countries on a composite index, and the countries of concern here are ranked as follows: El Salvador, 107; Guatemala, 133; Honduras, 120; and Nicaragua, 129 (UNDP 2013). For comparative purposes, the United States is 3, Haiti is 161, and Costa Rica is 62. In short, the four Central American countries focused on here are less developed.

In addition to their political and socioeconomic weaknesses, these societies face vulnerabilities that have been outlined in an influential UN report specifically focused on crime and its impact on development in the region (UNODC 2007). The report highlights the main vulnerabilities: geography; demographic, social, and economic conditions; weak criminal justice systems; the region's long history of conflict and authoritarianism; and population displacement and deportation. Although it is based on abundant data, however, the report has a major, and common, flaw in that it fails to differentiate between countries regarding the implications of these vulnerabilities. What this UNODC report can do is sketch a background of conditions in the region, against which this article will organize and highlight specific problems and issues in each country that can have an impact on the rise of the pandillas.

*The Problem of Geography*

The report begins with the observation that Central America's vulnerability to crime is due to its "misfortune of being placed between drug supply and drug demand" (UNODC 2007, 25). In addition to drugs, Central America's proximity to the United States makes it a natural corridor for the trafficking of firearms and people as well. The geographical explanation hinges on the extreme disparity of wealth between the United States and Central America. This issue is dealt with in great detail in a new study (Bunck and Fowler 2012).

*Demographic, Social, and Economic Vulnerabilities*

According to the UN study, "most street crime is committed by young men between the ages of 15 and 24, often against their peers. The higher the share this demographic group comprises of the population, the greater the number of potential perpetrators and victims in the society, all other things being equal" (UNODC 2007, 12). Violent crime is often attributed to economic factors as well. The report states that "studies of the correlates of crime have found that the distribution of wealth in a society is actually more significant than raw poverty in predicting violence levels. It has been argued that stark wealth disparities provide criminals with both a justification (addressing social injustice) and an opportunity (wealth to steal) for their activities" (UNODC 2007, 12).

*A Limited Capacity for Criminal Justice*

The report's third explanation for extremely high crime rates focuses on the Central American governments' inability to enforce compliance with the law. It observes: "The citizenry, large portions of which may have traditionally regarded the law enforcement apparatus as the enemy, also needs time to learn to trust and cooperate with those charged with protecting them. Lingering suspicions teamed with transitional hiccoughs may strain this trust relationship. Corruption can derail it altogether" (UNODC 2007, 29).

The justice and morality void left by state corruption and incapacity is often filled by gangs, vigilantes, and other local power brokers. Where the state tries to co-opt these actors, its legitimacy is called into question and the rule of law is reduced to an arbitrary standard of local preferences. The battles between the drug cartels, especially in Guatemala, and the "ethnic cleansing" seen in Guatemala are widely assumed to take place to some degree on the sufferance of the state.

*Displacement and Deportation*

A significant Central American diaspora of generally extremely poor refugees reached the United States after fleeing from the Central American civil wars of the 1980s and 1990s. Many policy makers in Central America claim that the deportation of large groups of illegal immigrants from the United States, many with criminal backgrounds, overwhelms their justice capacity and further destabilizes

the region (I will treat this issue later in this article). According to the UN report, “There is a widely held belief in both Central America and the Caribbean that recent crime troubles can be tied directly to criminal deportees” (UNODC 2007, 41).

#### *A History of Conflict and Authoritarianism*

The report describes psychological trauma, a warlike mind-set, weak state capacity and legitimacy, and police militarization as legacies of the Central American civil wars. It suggests that “violence can become ‘normalized’ in communities where many people were exposed to brutality, and may be tacitly accepted as a legitimate way of settling disputes, particularly where the state continues to be viewed as incompetent, corrupt, or biased” (UNODC 2007, 34).

With the data organized in these five categories, the UNODC report attempts to describe and explain broad aspects of the Central American crime problem, but it does not analyze cross-country variations in the manifestation of violence or the possible causes of violent crime. Rather, the result is a list of conditions that contribute to the problem of violence in general, without attempting to explain the variations across different countries. With the addition of the two factors reviewed earlier—the fragility of new democratic institutions and chronically low socioeconomic development—it is possible to begin to comprehend the context within which criminal activity takes place, including that involving the pandillas, and the seriousness of the danger it poses to these vulnerable societies. The main thrust of this article will be to seek factors, which turn out to be mainly political, that can explain variations in the emergence and impact of the pandillas throughout Central America, and their implications for security.

#### BACKGROUND TO THE EMERGENCE OF THE PANDILLAS

Before going further, it is necessary to answer these questions: What is a pandilla, and what makes a *mara* different from a pandilla? Basically, a pandilla is a street gang, while the term *mara* refers specifically to the gang known as MS-13, which began as a Los Angeles barrio gang called Mara Salvatrucha, made up of young Salvadoran immigrants whose parents had fled the civil war in the 1980s. While the exact derivation of the name is unclear, *mara* apparently signifies a fierce, tenacious type of Central American ant, *salva* stands for El Salvador, while *trucha* means something like “reliable” and “alert” in Salvadoran slang. While some observers refer to the 18th Street gang (also called Barrio 18 or Calle 18) as a *mara*, in that its members behave like the MS-13, they do not refer to themselves as a *mara*.

Youth gangs have been present in Central America’s main cities for decades. As early studies reported, street gangs used to be small bands of teenagers that operated in areas of larger cities and controlled their barrios or “turf” through the use of violence (Cruz 2007b, 13–19). During the civil wars and other conflicts that

devastated the region in the 1980s, these gangs were contained through the same mechanisms that the authoritarian regimes used to suppress political dissent and disorder: intense, often violent, repression. Besides this, the extreme militarization of these societies made it extremely difficult for young men to form groups or to engage in actions that might draw the attention of the authorities. Youth gangs certainly existed, and some of them were considered violent, but in the midst of widespread civil conflict they drew little attention from the authoritarian regimes. They came dramatically to light, however, when the end of the internal conflicts exposed the problems of poverty, exclusion, and public insecurity that still characterized these societies.

The end of the authoritarian regimes and violent conflict brought public attention to the problem. Local scholars and the media began to note the proliferation of these gangs in Central American cities. An early survey of crime in El Salvador conducted in 1993 revealed that nearly 50 percent of the urban population said there were street gangs in their neighborhoods (Cruz 2011, 140; Levenson 1998). Nevertheless, the governments did not initially acknowledge gangs as an important issue. One foreign researcher, Heidrun Zinecker, proposed a useful characterization of postwar Salvadoran security policies as consisting of three main phases (Zinecker 2007). The first phase was a transition period in which new institutions of public security were established and little or no attention was paid to issues of crime and gangs. In the second phase, criminal violence and gangs came to the attention of the public security institutions, and some scattered measures and reforms were enacted to tackle the growing problem of crime. The third stage in the evolution of security policies was characterized by the enactment of repressive, indiscriminately applied security policies that were wielded like “broad brush strokes,” using evocative names such as “zero tolerance” and *mano dura* (heavy hand). Cruz (2011, 142) points out that these plans were modeled to some degree on the zero-tolerance policies of large US cities like New York and encouraged by US law enforcement agencies such as the FBI and the Drug Enforcement Agency, which were working with Central American governments to control crime.

#### SOUTHERN CALIFORNIA GANG CULTURE MOVES TO CENTRAL AMERICA

In Los Angeles, California, the growing trade in marijuana and cocaine from Latin America, along with competition for turf, drove a spiral of escalating, unprecedented violence in the 1990s between rival gangs. A major shift took place around this time, when many in the Mara Salvatrucha allied themselves with the Mexican Mafia prison gang known as *la eme*, which controlled a significant portion of the cross-border drug trade (Sullivan 2008; Valdez 2005). It was at this time that the number 13 was added to the initials MS (*m* is the thirteenth letter of the alphabet), and came to signify affiliation with these extremely violent California gangs.

The most important measure to deal with gangs following the Cold War and the Central American conflict, at least for Central America, was the implementa-

tion of deportation laws for non-US citizens found guilty of a gang-related crime or determined to belong to a gang. The 1994 California law known as the three-strikes law (from “three strikes and you’re out”) significantly expanded the mandatory prison sentences of recidivist criminals, which led to the imprisonment of thousands of Los Angeles gang members, including Central-American-born individuals. The 1996 Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) and Antiterrorism and Effective Death Penalty Act broadened the definition of aggravated felony to include violence, theft, bribery, obstruction of justice, and gambling offenses (previously considered misdemeanors), which allowed deportation on any of these grounds. IIRIRA also applied the aggravated felony provision retroactively to gang members (GAO 2010, 5). Notwithstanding strong criticism on constitutional and human rights grounds and ongoing legal and legislative disputes, these laws were implemented, and the number of annual deportations skyrocketed. With the Secure Communities program of the US Immigration and Customs Enforcement (ICE) they grew further, with annual deportations up by 400 percent since 1996 (Funes 2008).<sup>3</sup> The initial wave of deportations in the mid-1990s unquestionably influenced the dynamics and style of the *Mara Salvatrucha* and *Calle 18* as they emerged in the region. The US policy of mass deportations of undocumented immigrants helped spread MS-13 and *Calle 18* to Central America, where the local gang cultures quickly adapted to the California *mara* style.

#### NUMBERS OF GANG MEMBERS

Table 1 provides data on the number of gang members in the four countries. These data suggest two major puzzles: why the number of imprisoned gang members is higher in El Salvador than in Guatemala and Honduras, and why Nicaragua differs from the other three countries. I will deal with these puzzles subsequently in this article.

There are fundamental problems with the ways in which governments arrive at official estimates of the numbers of gang members in their countries; they are arbitrary and not comparable from one country to another. There is no standardized, objective basis for estimating gang membership or the total number of gang *clicas* (cells or component groups). In El Salvador, for example, the estimate of 17,000 gang members nationwide is based on those who have been registered by the police or imprisoned at one time or another. Honduras derives its estimate somewhat bizarrely from a reading of gang graffiti multiplied by some factor or other.<sup>4</sup> If these most basic numbers are not reliable, how can any analysis of gang operations and their impact offer a sound basis for policy making?

3. For example, while in the early 1990s, the United States deported approximately 40,000 aliens per year, since the passage of these new laws, the number of deportees gradually increased by almost ten times (e.g., 359,000 in 2008) (Funes 2008).

4. The author learned this in a meeting with Subcomisario Renán David Galo Meza, chief of the Division for Prevention and Analysis of *maras* and *pandillas* of the police in Honduras, who developed the methodology for calculating numbers of gang members based on graffiti, on August 1, 2008, in Tegucigalpa.



Table 1 Gang membership and homicide rates in Central America

Country	Number of gang members	MS-13 and 18th Street in country	Number of MS-13 and 18th Street members in prison	Homicide rate per 100,000 (as of 2010)
El Salvador	17,000	Yes	7,000	66
Guatemala	32,000	Yes	400	42
Honduras	24,000	Yes	800	81
Nicaragua	4,500	No	—	13

Sources: On homicides, UNODC 2011, 23. The gang numbers and presence of MS-13 and 18th Street are from material provided to the author by Dr. Humberto Posada of the Policía Nacional Civil, El Salvador, at antipandillas conferences held in San Salvador, El Salvador, in 2007 and 2008. The data on numbers in prison are from the author's interview with Ismael Rodríguez Batres, deputy director general of prisons for El Salvador, March 27, 2009, San Salvador, and subsequent e-mail communication, March 13, 2009.

#### MOTIVATION FOR JOINING GANGS

Obviously, with a phenomenon as complicated as pandillas there can be no simple, monocausal explanation for why some Central American youth join gangs. If it were simply poverty, we would expect a higher gang membership in Nicaragua, by far the poorest of the four countries, rather than a lower membership and no presence so far of the MS-13 and Calle 18. The most credible studies I have reviewed emphasize a wide spectrum of factors encouraging membership in gangs. At least in part it is due to the attraction of the lifestyle (*el vacil*), a whole range of licit and illicit pursuits that promise fun and excitement in the gang, along with family problems, a desire for support and respect, and peer pressure (Ranum 2011, 78; Demoscopía S.A. 2007, 13–42). We must keep in mind that generally the design of studies on gang membership focuses only on poor barrios, which means that the youths interviewed are not selected in a random manner to represent the general population but from only the poorer neighborhoods.

By contrast, the results of self-reported surveys by pandillas, which have been mainly popularized by Mauricio Rubio, do not confirm that all gang members come from poor backgrounds or that they have been expelled from school (Rubio 2007). In the locations where the most credible survey was carried out, there are reports of connections between gangs and students. And among gang members, or *pandilleros*, there is no shortage of youths who report belonging to the middle and upper classes. With the possible exception of the survey carried out in San Pedro Sula, Honduras, where being part of the privileged classes appears to nearly eliminate the possibility of being linked to the pandillas, in the other places surveyed (Tegucigalpa, Managua, rural Nicaragua, and Panama) between 5 percent and 15 percent of the youth from favorable economic situations reported links to pandillas. In short, the data indicate that poverty in and of itself is not the explanation for joining pandillas (Rubio 2007; 2011, 167–171). There is a wide spectrum



of factors, and this observation alone should suggest that a solution to gang problems is not simply socioeconomic.<sup>5</sup>

#### ILLEGAL ACTIVITIES OF GANGS OR PANDILLAS

At least for the outsider, the use of violence is the most defining characteristic of the pandillas and especially of MS-13 and Calle 18. Researchers estimate that gang members are murdered by the age of twenty-six.<sup>6</sup> As part of the accession process, new members eventually have to kill a person, for no other reason than to show they can and to cement their bond with the gang. This implies that once a gang member has killed another, whether from a rival *clica* or some other group, the killer is marked and can never leave the gang. Gang initiation rites, which involve merciless beatings, can be fatal. Women are initiated either through beatings or forced sex with some or all the male members of the *clica*. The pandillas fight very frequently, not only against the authorities but also against each other and members of their own group, for control of turf and markets, especially to sell drugs (Franco 2008; Seelke 2008, 2011).

The issue of the relationship between pandillas and homicide rates is extremely polemical. Newspapers and politicians in the region state that pandillas are responsible for a “good portion” of the homicides, including those involving dismemberment and other grotesque practices, or “just under half of all homicides” (Seelke 2011, 5). The most recent UNODC report states that “[maras and pandillas] are extremely violent and responsible for a significant share of homicides in several of the region’s countries, where they are increasingly involved in extortion, intimidation and protection rackets” (UNODC 2011, 53). But no data is cited to back up this assertion. In short, added to the lack of reliable data on the number of pandilleros and clicas is the lack of reliable data on the percentage of homicides committed by gang members.

Street gangs typically are loosely organized and highly localized; leadership changes frequently and activities revolve around drug sales, petty crime, and turf battles. The MS-13 and Calle 18, unlike most other street gangs and pandillas, have shown a tendency in recent years to organize in a more traditionally hierarchical manner and to coordinate their criminal activities not only across the United States but across North and Central America (Franco 2008, 8–9).

All observers agree that pandillas’ main source of income is *la renta*, extortion. They extort businesses in the neighborhoods or *barrios*: small shopkeepers, taxis and public transport drivers, and virtually any and all business conducted on their turf. The scale of extortion can be huge; in both San Salvador and Guatemala City public transportation has been held at ransom by the MS-13 and Calle 18, as gang members murder bus drivers to demonstrate their power and willingness to use violence. For example, in September 2010 the MS-13 and 18th Street gangs jointly organized a three-day strike that paralyzed El Salvador’s trans-

5. In view of challenges in using standard social science methodologies to analyze gangs, for future research the author intends to use some form of social network analysis (Everton 2012).

6. José Miguel Cruz, personal communication, November 2, 2011.

port system in response to new antigang legislation (Seelke 2011, 5). According to James W. Rose, regional gang advisor in San Salvador, the extent of extortion by the gangs over the bus cooperatives in San Salvador alone in 2010 was \$18 million.<sup>7</sup>

#### THE IMPACT OF *MANO DURA* POLICIES

While there is little agreement on why members join pandillas or on pandillas' responsibility for the extremely high homicide rates, there is widespread agreement on the very negative impact of the *mano dura* policies implemented in Honduras and El Salvador and promised in campaign speeches by President Otto Pérez Molina in Guatemala. *Mano dura* policies, at least in terms of rhetoric, were inspired by zero-tolerance policies implemented in several North American cities oriented more toward penalizing wrongdoing than preventing it.

The indiscriminate policies used in Honduras and El Salvador entailed the enactment of special laws, executive acts, and the rewriting of criminal codes to allow the police and different law enforcement agencies to round up, incarcerate, and prosecute gang members and any youth suspected of criminal activities. In 2003, the government of Honduran president Ricardo Maduro revised Article 332 of the Penal Code to make gang members subject to prosecution for membership in a criminal organization, regardless of whether they or their group had been convicted of any crime. In El Salvador, where the *mano dura* type of policy reached its highest level of sophistication, an anti-mara law was enacted in July 2003 under the government of Francisco Flores. This act, known as *Ley Antimaras*, also aimed to facilitate the detention and prosecution of suspected gang members based on the newly defined felony of "illicit association" (*asociación ilícita*) and gang membership. In both cases, the new rulings gave complete authority to the police—and in some cases to military personnel—to carry out arrests based on arbitrary decisions and thin evidence. In El Salvador police could use the presence of tattoos, hand signals, some dress codes, and physical appearance as evidence of gang membership. Although this specific directive was not included in the Honduran law, Honduran police acted on the basis of similar criteria, jailing even children who happened to be dressed like gang members (Thale and Falkenburger 2006).

In Guatemala, although legal measures were not passed to support the anti-gang crackdowns, the police implemented suppression plans based on arbitrary interpretations of the existing laws. The general term referring to these policies was *Plan Escoba* (Operation Broom). The police jailed youth they suspected of gang membership by indicting them for possession of drugs, despite the fact that most of those detentions were carried out illegally. In short, public security institutions were in effect given a license to hunt gangs and youth based on weak legal constraints.

These broad-brush policies were essentially plans for suppressive police in-

7. Author's interview with Mr. James W. Rose, regional gang advisor, US Embassy, San Salvador, April 1, 2011.

tervention. Honduras and El Salvador approved laws allowing security forces to pursue and capture youths suspected of belonging to a gang without evidence or due process (Aguilar and Miranda 2006; Andino 2007). In these countries, as well as in Guatemala, the governments used such plans as linchpins for larger government agendas; all used the armed forces in operations against gangs; and all developed operations that allowed for the capture and mass incarceration of gang members, thus saturating and overpopulating their prisons. A major problem is that the prison systems could not, and cannot, support this level of incarceration. For example, in El Salvador, in early 2011 the prison system had sufficient space for 8,000 prisoners; at that time there were 24,600 imprisoned, at least one-third of these for gang-related crimes.<sup>8</sup> In Guatemala between June 2003 and June 2004, 10,527 persons were detained for drug possession and an additional 11,708 were detained for petty crimes in “preventive” centers set up in the Department (district) of Guatemala, which contains the capital, Guatemala City (Ranum 2011, 77–78). These arrests represented 49.3 percent of all incarcerations made in that one department. Only 1.1 percent of the arrests for drug possession, however, were then formally indicted by the courts. In most of the cases, the judge either did not find sufficient evidence or determined that the evidence was collected illegally, meaning that the detention was illegal (Ranum 2011, 79).

One of the puzzles in table 1 is the disparity between the rate of incarceration of pandilla members in El Salvador and those in the other two countries. Due to an arrangement in place since 2005, the Salvadoran police (Policía Nacional Civil, PNC) and the district attorneys jointly conduct investigations of criminal activities. They have seventy-two hours to decide whether or not they are going to charge a suspect. If they go ahead with prosecution, the suspect goes before one of eight special judges in the country who deal with gang crimes. If not, the suspect is set free. The legal system and the process for dealing with suspected gang activity thus are relatively sound; gang members who are convicted go to prison for long sentences of up to thirty years. As one informant on this issue put it, what is different in Guatemala and Honduras is that “There is no follow-through.”<sup>9</sup> Indeed, Guatemalan legal expert Javier Monterroso Castillo notes the total lack of effectiveness in his country’s criminal proceedings, in which only 2.7 percent of criminal cases result in conviction. He concludes that the criminal investigation system has totally collapsed in Guatemala (Castillo 2007, 73, 158). Judging from the author’s interviews in Tegucigalpa in August 2008, the situation in Honduras is little different. Indeed, the data in the table illustrate this point: of 24,000 known pandilla members in Honduras, only 800 are imprisoned, even though Honduras also has a *mano dura* policy.<sup>10</sup> In one interview with the author, a US government

8. Author interview with Edgardo Amaya, advisor, Ministry of Justice and Public Security, San Salvador, April 1, 2011.

9. Author interview with Ismael Rodríguez Batres, deputy director general of prisons for El Salvador, March 27, 2009, San Salvador, and subsequent e-mail communication, March 13, 2009.

10. These data are from author interview with Rodríguez Batres. The information on Guatemala is from a Guatemalan PowerPoint presentation from the 2008 antipandillas conference; the Honduran data were obtained from the director of prisons. See also Sánchez Velásquez 2008.

official stated bluntly that there is competition rather than cooperation between the Honduran police and the district attorneys.<sup>11</sup>

To begin to comprehend these policies, one must understand the political dynamics in this region, where politicians are expected to “do something” to show they do not tolerate widespread crime and violence. For politicians, security became *the* issue in the early 1990s, a situation that continues to the present. The problem is that the policies are counterproductive. After homicide rates initially decreased with implementation of *mano dura*, within two years they reached, and then exceeded, the previous rates. Analysts demonstrate that the *mano dura* policies actually facilitated gang organization and recruitment, due to the simultaneous incarceration of thousands of youth gang members and “wannabes.” It was within the prisons that dozens of members from widespread regional *clicas* of the same gang were first able to establish contact with each other, recognize that their gangs consisted of a myriad of uncoordinated groups, and work together to develop more structured organizations. Incarceration enabled gang members to function as a sort of permanent assembly in which they could debate, make pacts, and decide on structures, strategies, and ways to operate that had to be observed by the members of all the *clicas*. This was made even easier, in part, by the decision of the authorities to separate prisoners according to their gang affiliation to cut down on intergang violence within the prisons (Cruz 2011, 155).<sup>12</sup> The broad-brush laws, by sweeping up gang members from several countries, also facilitated communications and connections at the international level among gang members.

#### GANGS AND ORGANIZED CRIME

The definition of organized crime is so loose that while any gang would probably be considered organized crime, there is little meaning to this appellation.<sup>13</sup> I agree with one of the most astute observers of the pandillas, Sonja Wolf, that while the gangs are involved with organized crime, they are still not, themselves, what most observers would term organized crime (Wolf 2012b, 272). However, there is a dynamic at work that has led some of the pandillas to more closely approximate organized crime. As noted above, one of the many negative aspects of the massive incarceration of youth is putting them into close contact in the prisons with organized crime groups that have long operated from the prisons. These

11. Author meeting with official in charge of security for US embassy personnel in Tegucigalpa on July 30, 2008.

12. In 2001, both El Salvador and Honduras implemented such a policy. In practice, this has led to certain jails being known as *Mara Salvatrucha* jails or 18th Street jails. In Guatemala, this measure was implemented in 2005 after a series of prison massacres committed by one gang against the other.

13. According to Article 2 of the UN Convention Against Transnational Organized Crime, signed in December 2000, organized crime is defined as any “structured group of three or more persons existing for a period of time and acting in concert with the aim of committing one or more serious crimes or offenses . . . in order to obtain, directly, or indirectly, a financial or other material benefit” (Giraldo and Trinkunas 2009, 352).

contacts ultimately provided money, guns, and other resources to the pandillas. They also provided the opportunity to wield some power within the criminal networks that operated from the prisons. This power was exerted not only over other gang members and clicas but also over networks that involved other violent actors, including organized crime groups. As one of the most respected Central American experts puts it, "In the end, incarcerating thousands of *mareros* provided the conditions for the gangs to institutionalize and organize; reshaped and strengthened the criminal networks already operating in these countries; and reinforced the bonds between the violent actors inside and outside state institutions" (Cruz 2011, 156).

Further factors that lead some observers toward defining the gangs as organized crime are those that show them to be increasingly sophisticated and organized. These include their more systematic use of intelligence in their activities; their regional and even international networks; their extensive use of extortion to finance their organizations and some of their activities; and their methods of laundering money, for example from extortion, by sending it via Western Union to the United States and then having it sent back in the form of workers' remittances. Edgardo Amaya, who was at the time of our interview an advisor in the Ministry of Justice and Public Security, El Salvador, considers many of the main gangs, especially MS-13 and Calle 18, to have evolved into a form of organized crime.<sup>14</sup>

#### PANDILLAS AND SECURITY

Probably the biggest disconnect in the study of pandillas is the gap between their implications for security and the data available. The serious student of pandillas is doubly handicapped in attempting to analyze the implications of the pandillas for security, first by the totally arbitrary and unreliable data on the number of pandilleros and clicas, and second by the lack of reliable data on the percentage of homicides committed by pandilleros.

We know from the 2010 Latinobarómetro that an increasing percentage of the population in the region views crime as the most serious societal problem. We also know that presidential candidates run on hard-line platforms and, even in the case of President Mauricio Funes, who did not run on this platform, implement policies to combat the pandillas once they are elected. But none of the literature from the region deals with the implications of the pandillas for security, maybe because it is written by researchers who are methodologically aware and are thus sensitive to the lack of reliable data. On the other hand, virtually all of the official studies and the programs from the United States focus on the implications of the pandillas for security, in the region and in the United States (United States Senate Caucus on International Narcotics Control 2011; Seelke 2011; GAO 2010).

At a commonsense level, however, we can observe something on this topic. If we consider three possible levels of security—citizen, public, and national—we

14. Edgardo Amaya, interview with author, San Salvador, April 1, 2011. It should be noted that Amaya was a recognized expert on pandillas even before entering government (Amaya 2005).

can note the following (Kincaid 2000, 40–41). At the *citizen security* level the pandillas are a serious threat in that they rob, extort, kill, and generally threaten large sectors of the population, especially those in poorer sections of larger cities. At the *public security* level they are also a serious threat in that they halt public transportation routinely, to demonstrate their power, by killing the drivers, as they have done periodically in Guatemala City and San Salvador. In one notorious case in the Barrio of Mejicanos in El Salvador on June 21, 2010, members of the 18th Street gang doused a bus with gasoline, burning alive the passengers. Through their extortion of businesses in the bigger cities, they also challenge public security. As there is an identified tendency for the pandillas to resemble organized crime, at the level of *national security* they also should be considered a threat in El Salvador, Guatemala, and Honduras, which remain fragile democracies with relatively poorly articulated political institutions and very tentative popular support. With this basic understanding of the pandillas and their effect on security, it is important to evaluate official responses in the four countries of Central America and beyond.

#### OFFICIAL RESPONSES TO THE GANGS: DOMESTIC POLITICS IN THE REGION

In view of the threats to security, once we consider the domestic politics in the four countries in the region, it becomes clearer why El Salvador, Guatemala, and Honduras have implemented *mano dura* policies and Nicaragua has not. This consideration can help us to better understand the data in table 1. At the simplest level, in Nicaragua the security forces—the armed forces and the police—are a legacy of the revolutionary success of the FSLN: they were trained by the Cubans, East Germans, and others in the Warsaw Pact to establish a presence and conduct surveillance within the society. In this context the government allowed minimal space for the international pandillas to enter and establish themselves. Because they are not established, the government did not, and does not, have to develop a new approach to deal with what was a nonexistent problem.<sup>15</sup> In the other three countries, Cruz has convincingly argued that the political incentives of the elected politicians result in *mano dura* policies but not in public policies that can effectively deal with the many and complicated causal factors behind pandillas' emergence and growth. A decade of firsthand observations and interviews by the author validate his argument. Even before the *mano dura* policies were implemented, the high-level police officials I interviewed in El Salvador and Honduras said they were pessimistic about any positive, long-term impact from these policies.<sup>16</sup> Given the almost intractable problem of the gangs and gang violence, and because presidential terms are four years with no reelection (five years in El Salvador), *mano dura* policies, even if shown to be failures, are the obvious

15. In addition to this political explanation, experts highlight the nature of immigration and availability of public land. See Rocha 2011.

16. These author interviews include Dr. Humberto Posada of the Policía Nacional Civil, El Salvador, and Subcomisario Renán David Galo Meza, chief of the Division for Prevention and Analysis of maras and pandillas of the Honduran police.

first choice of elected politicians who want to appear responsive to their electorate's concerns. This, unfortunately, is verified by Mauricio Funes, the first FMLN president in El Salvador, whose initial policies were no more enlightened than those of his authoritarian ARENA predecessors (Wolf 2011a, 14).<sup>17</sup> The campaign promises of the successful candidate in the November 2011 Guatemalan presidential elections, Otto Pérez Molina, were equally slanted toward policies to crack down on gang membership.

#### OFFICIAL RESPONSES TO GANGS: THE INTERNATIONAL DIMENSION

In terms of international meetings, statements, and gestures, there is an overwhelming response to the security challenge posed by the gangs.<sup>18</sup> The United States, the European Union, and international financial institutions including the Inter-American Development Bank and the World Bank are engaged in efforts to bolster security. At a meeting in Guatemala City on June 21, 2011, alone, these organizations committed \$1 billion for "security efforts in Central America" over the next two years.<sup>19</sup> According to the same report, the United States will contribute a separate \$300 million for security, in addition to the \$200 million promised by US president Barack Obama during his visit to El Salvador in March 2011.

One might wonder why the United States government is even interested in pandillas, as demonstrated by a huge number of official publications, task forces, and assistance to the region. Despite early allegations of links between international terrorism and pandillas, there is no credible evidence making this link. Rather US interest is due to the combination of the presence of the MS-13 and 18th Street gangs in many US cities, and concern with failing states in Central America.

To understand what is politically and bureaucratically possible regarding US assistance to improve security in Central America, we must first consider three essential facts. First, even with their relatively abundant resources and a firmly established rule of law, many US cities have not been successful at doing much more than containing gangs. The most obvious cases involving the MS-13 and

17. Since March 2012 the government of El Salvador has been encouraging a "truce" between MS-13 and Calle 18 that has resulted in a decrease of homicides. The long-term implications of the truce remain to be seen. *El Faro* reports on this. See "Sala Negra" of *ElFaro.net*. In the author's interview with Minister of Justice and Public Security David Muguía Payés in San Salvador on May 15, 2012, Muguía would not acknowledge that the government had been directly involved in the negotiations, and he would not use the term "negotiations," but he made it clear that the motivation of the leaders of MS-13 and 18th Street was to get out of the high-security prisons, and if this were done they were willing to direct their followers to cut back on the homicides. As he estimated that 90 percent of the leaders were in the maximum-security prison of Zacatecoluca, and the pandillas are very hierarchical, he was sanguine that the orders would be followed.

18. For example, annual antipandilla conferences were held in San Salvador with US support between 2005 and 2008; the US Southern Command in Miami held a two-day workshop on pandillas in November 2004; and the US Department of State published "Strategy to Combat the Threat of Criminal Gangs from Central America and Mexico" (US Department of State 2007).

19. CNN Wire Staff, "Report: World Bank Pledges \$1 Billion for Central American Security," June 22, 2011, <http://www.cnn.com/2011/WORLD/americas/06/22/central.america.security>.



18th Street gangs include Los Angeles, northern Virginia, and New Jersey (National Gang Intelligence Center 2011). Second, the United States has no national police force. The nearest equivalent, the FBI, has a number of domestic and international initiatives, including the MS-13 National Gang Task Force, National Gang Strategy, National Gang Intelligence Center, and Transnational Anti-Gang Initiative, but it does not have the mandate of a national police force like those in Central America. This results in major bureaucratic impediments to cooperation between US federal law enforcement agencies and Central American national police forces. The Regional Gang Advisor in San Salvador stated simply that his office, which is part of the US Department of State, Bureau of International Narcotics and Law Enforcement Affairs (INL), cannot work with the region's armed forces.<sup>20</sup> Third, in the United States the military is prohibited from domestic law enforcement, whereas in Central America military personnel either back up the national police or, at times, as in Guatemala and Honduras, even supplant them. I cannot imagine the US military becoming involved in combating gangs in Central America. These three facts should suggest modesty in any US approach to "solving" the problems of pandillas and security in Central America.

Nevertheless, there are several US initiatives, but they do indeed encounter several bureaucratic challenges. Building on the January 2007 "Strategy to Combat the Threat of Criminal Gangs from Central America and Mexico," the Mérida Initiative, signed in 2007 and funded in 2008, was welcomed in Mexico and Central America, where some viewed it as the "first big effort" by the United States to fight gangs in Mexico and Central America. Despite all the good intentions, however, the initiative was slow to start. The first problem was an ongoing dispute among competing agencies in Washington over the need to balance security and law enforcement requirements with funding for institution building. There was also disagreement over what would be the most suitable types and levels of security assistance for the region, an argument that resulted in the US Congress approving an increase in the budget for prevention and economic and social development programs (Seelke and Beittel 2009; Seelke 2010). The second problem was the difficulty of tracing and accounting for Mérida funds, given that the State Department lacks a consolidated database and each agency uses its own method to track funds (GAO 2009). A third difficulty was the delay in the availability and delivery of funds and programs. The State Department was slow to submit the mandatory reports to Congress prior to the obligation of any Mérida funds, and the initiative suffered from an initial lack of institutional capacity within both the beneficiary governments and the responsible US agencies. Unfortunately, as the author's research in El Salvador and Guatemala in spring 2011 demonstrated, these types of bureaucratic problems continue. The fourth problem, one that is related to the previous problem, is weak interagency cooperation, due to persistent confusion, a general lack of coordination, and turf battles among the various US agencies involved in the implementation of the Mérida Initiative. For example, the funds to be disbursed via INL are channeled through the INL office in Mexico City rather than through the US embassies in the Central American countries

20. James W. Rose, interview with author, US Embassy, San Salvador, April 1, 2011.

themselves, causing yet more bureaucratic friction and impeding implementation of programs (United States Senate Caucus on International Narcotics Control 2011, 6).<sup>21</sup>

For Central America, the Mérida Initiative has been replaced by the Central America Regional Security Initiative (CARSI). Between fiscal year 2008 and fiscal year 2012, \$361.5 million had been allocated (United States Senate Caucus on International Narcotics Control 2011, 30). And, by mid-2013 \$1.2 billion had been allocated to CARSI and non-CARSI funding that supports CARSI goals (GAO 2013, 9). However, the stated priorities—to ensure safe streets, disrupt movement of criminals and contraband, support development of strong and accountable governments, raise the effective presence of states in communities at risk, and foster enhanced levels of security and rule of law—are not specifically about pandillas. According to a CRS report on CARSI (Meyer and Seelke 2011, 23–27) and the Senate Caucus Report (United States Senate Caucus on International Narcotics Control 2011), and buttressed by the author’s interviews, most recently in Guatemala in the spring of 2011 and in El Salvador in spring of 2011 and 2012, the initiatives are fairly meager.<sup>22</sup> They include the FBI’s Transnational Anti-Gang Initiative (TAG), the FBI’s Central American Fingerprint Exploitation Initiative (CAFE), and US Agency for International Development (USAID) assistance programs for at-risk youth in the region. These are all useful initiatives, but given the size of the problems, they are very modest.

While the funding and implementation of the programs are still in the initial stages and the results remain to be seen, the massive deportation of “illegals” from the United States to El Salvador, Guatemala, and Honduras is an obvious problem for the Central American countries. According to data from the Department of Homeland Security, in 2010 the total number of individuals deported was 387,242, of whom 73 percent were Mexicans. The next leading countries of origin were Guatemala, 8 percent (29,378); Honduras, 6 percent (24,611); and El Salvador, 5 percent (19,809); only 1,847 Nicaraguans were deported (US Department of Homeland Security 2011, table 3). This means that *each week* in 2010, the United States deported 1,420 persons to these three countries. Regardless of the popularity of deporting these individuals from the United States, which is justified in terms of security, their arrival in these poor countries is correctly perceived as putting a huge strain on the already fragile and strained infrastructure. Currently, with the Secure Communities program, deportations are increasingly rapid, and, according to one analysis, 93 percent of those deported are Latinos, although they compose 77 percent of the undocumented population in the United States (Kohli, Markowitz, and Chavez 2011, 2). These issues are increasingly political and polemical in the United States (see for example Siskin 2012).

21. It is important to note that the types of bureaucratic problems highlighted by the GAO (December 2009 and April 2010), are reiterated in the Senate Caucus Report (United States Senate Caucus on International Narcotics Control 2011).

22. The author conducted interviews in both countries with gang experts in the U.S. embassies (INL in El Salvador and USAID in Guatemala), local police and military officers, Ministry of Justice and Public Security officials in El Salvador, members of local nongovernmental organizations in both countries, and ex-gang members in Guatemala.

## CONCLUSION

The issue of pandillas and security must be understood from a political perspective. Domestically in El Salvador, Guatemala, and Honduras, political incentives aim to suppress them, even if all observers recognize that this strategy does not work. In the United States, the main priority is to deport “illegals” to Central America for security purposes. In seeking to implement international antigang programs, the United States has yet to overcome serious bureaucratic barriers and inertia. While these programs might be useful on the margins, in light of the evidence it seems apparent that they will not have much lasting impact, given the dimensions of the challenge. Indeed, even with the \$1.2 billion appropriated by the United States between 2008 and 2013, by all accounts the crime and violence problems have grown worse in the region. The pandilla problem is one for which there are no magic solutions. Like other kinds of crime or natural disasters, it can possibly be reduced but never eliminated, a truism for Central America given the region’s violent history, ingrained official corruption, and chronic poverty. As in combating crime or preparing for natural disasters, both of which require unremitting preparation and vigilance, fighting gangs is also an endless anticipatory, strategic, and preparatory process, aimed at minimizing to the degree possible the levels of violence, crime, and loss of life and property. So far, the author has not seen anything like the necessary political commitment to deal seriously with the issue either in Central America or in the United States.

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