

**To: U.S. House of Representatives, Committee on Homeland Security, Subcommittee on Counterterrorism and Intelligence**

**From: Timothy D. Sini, Police Commissioner, Suffolk County, NY**

**Date: June 16, 2017**

**Re: Testimony Regarding MS-13**

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## **I. Executive Summary**

My name is Timothy D. Sini, Commissioner of the Suffolk County Police Department. I appreciate the opportunity to provide testimony regarding MS-13 in Suffolk County, New York, and ways in which we can work together to effectively eradicate this gang from our communities. Although Suffolk County remains one of the safest counties in the nation, we have recently experienced an increase in MS-13 gang violence. Specifically, since January 1, 2016, there have been 17 homicides in Suffolk believed to be linked to MS-13. In order to eradicate MS-13 from our communities, we must employ a multi-pronged strategy that includes:

- collaborative efforts to collect and share intelligence regarding the gang;
- relentless targeting of known MS-13 gang members for arrest, prosecution and removal;
- federal prosecutions of MS-13 gang members and its leadership under the RICO statute;

- enhanced and targeted police presence and patrols in affected areas; and
- significant investments in gang prevention and intervention strategies, with a particular focus on the Unaccompanied Alien Children ("UAC") population.

## **II. Introduction**

Suffolk is New York's fourth largest county situated some 20 miles east of New York City, covering 911 square miles and 1,000 miles of coastline on the eastern end of Long Island.

Suffolk has a diverse population of approximately 1.5 million residents. According to the latest Census data, the population is 84.9% white and 8.4% African American, with 18.6% of the population identifying as Latino or Hispanic ethnicity. The median income is \$88,663, and 7.8% of the County's residents live in poverty.

The Suffolk County Police Department is one of the fifteen largest police departments in the country, with approximately 2,500 sworn officers and 1,000 civilian employees. We are responsible for all police services in the five western towns of Suffolk County, and a wide variety of investigative and law enforcement support functions throughout the County.

Contrary to recent sentiments in the national media, Suffolk remains one of the safest counties in the United States. We are currently experiencing the lowest crime rate since we began collecting reliable crime statistics in 1975. Specifically, in 2016, Suffolk County had 34 murders/manslaughters, 84 sex crimes, 540 robberies, 893 aggravated assaults, 1,734 burglaries, 15,522 larcenies, and 1,070 motor vehicle thefts. In 2017, we are continuing to drive crime down to historic levels, with a year to date 12.9% reduction in violent crime, 10.8% reduction in property crime and 10.9% reduction in all index crimes.

Despite these historic reductions in crime, we have recently experienced an increase in gang violence connected to Mara Salvatrucha or the MS-13 gang - designated in 2012 by the U.S. Department of the Treasury as a "transnational criminal organization." In 2016 and year to date in 2017, Suffolk experienced an increase in homicides compared to 2015, which is the only category of index crimes to rise. This increase is directly attributable to a rapid resurgence in MS-13 violence in identified areas of the County and is an inverse trend to all other crime categories.

Specifically, since January 1, 2016, of the 45 homicides that occurred in Suffolk, 17 of those are believed to be linked

to MS-13. We currently have approximately 400 MS-13 gang members identified in the County, organized in approximately nine cells called "cliques." Many of these cliques have connections to other jurisdictions, including, but not limited to, New Jersey, Maryland, Virginia, Nassau County (Long Island) and New York City.

### **III. MS-13 Gang Members in Suffolk County**

Identified MS-13 gang members are concentrated in several hamlets in Suffolk County with the largest number in a community named Brentwood, which is a community of more than 60,000 residents. According to the latest Census data, Brentwood's population is 48.4% white and 16.4% African American, with 68.5% of the population identifying as Latino or Hispanic ethnicity. There are more than 20,000 students in the Brentwood school district. The second largest concentration of MS-13 gang members is in Central Islip, which is a community of approximately 35,000 residents. According to the latest Census data, Central Islip's population is 43.6% white and 25% African American, with 52.1% of the population identifying as Latino or Hispanic ethnicity.

In Suffolk County, active MS-13 gang members are predominantly males ranging in age from sixteen to twenty-nine.

The median age of recent MS-13 arrestees is eighteen, however we have become aware of associates as young as ten years of age.

Most MS-13 gang members have connections to El Salvador, Guatemala or Honduras. Of a sampling of 143 active gang members plus 11 MS-13 victims, 89 entered the United States illegally and currently do not have legal status (58.8%) (39 of whom are Unaccompanied Alien Children ("UACs")), 48 are of unknown immigration status, and 17 have legal status (temporary or otherwise). I endeavor to provide updated data during my testimony.

#### **IV. Crimes Committed by MS-13**

In Suffolk County, MS-13 engages in a variety of criminal activity, including, but not limited to, assaults, murder, drug dealing, extortion, robberies and burglaries. Intelligence indicates that many MS-13 gang members hold wage-paying jobs, and are not focused primarily on income generating crimes such as drug dealing, differentiating them from other street gangs in Suffolk County. Rather, MS-13 has engaged in violence for the sake of violence, to increase the notoriety of the gang and to cause the community to fear the gang and its members. However, that is not to understate the extent of other criminal activity committed by the MS-13 gang in the Northeast region.

In 2016, the most frequent reported crime connected to MS-13 was assault. The signature weapon used by MS-13 is the machete. For example, on July 17, 2016, members of MS-13 brutally attacked an individual in Brentwood with a machete, causing severe wounds to the individual's face making him unrecognizable. MS-13 gang members perpetrated this brutal assault because they believed that the victim was associating with a rival gang.

MS-13 members also commit murder, often targeting victims who they perceive as disrespecting the gang. Since 2013, 27 murders in Suffolk County have been attributed to MS-13, occurring in seven different communities. This represents approximately 21% of all murders occurring since that time. Moreover, approximately 38% of murders occurring in Suffolk County in 2016 and 2017 combined are believed to be connected to MS-13. In many of the cases, multiple assailants are involved in the crime.

On September 13, 2016, members of MS-13 brutally beat two girls to death in Brentwood - Nisa Mickens and Kayla Cuevas. Both were Brentwood High School students, and were 15 and 16 years of age, respectively. Shortly before her murder, Kayla had argued with an MS-13 gang member in school. In collaboration with the FBI, the Suffolk County Police Department

arrested the perpetrators of that crime, and they are currently being prosecuted by the United States Attorney's Office for the Eastern District of New York.

Those murders sparked a gang eradication strategy launched by the Suffolk County Police Department and our law enforcement partners, which to date has resulted in approximately 250 arrests of approximately 187 individual MS-13 gang members. The initiative also led to the discovery of the skeletal remains of three males in the Brentwood area, all of whom are believed to have been murdered by members of MS-13. One of those murders - the murder of a 19 year old male named Jose Pena-Hernandez - was also charged by the United States Attorney's Office for the Eastern District of New York. MS-13 gang members murdered Pena-Hernandez because they believed he violated the gang's internal rules.

Most recently, in April of this year, MS-13 gang members committed a quadruple homicide in Central Islip, Suffolk County. This was one of the largest and most brutal mass murders committed in Suffolk County's history. The victims were all males - two were eighteen years old, and the other two were sixteen and twenty years old. Central Islip is a hamlet located adjacent to Brentwood, and, as noted, has the highest concentration of MS-13 gang members in the County outside

Brentwood. The victims were found in the Clayton Avenue Park in Central Islip with significant trauma about their bodies. Their injuries were consistent with assault by machete. The investigation of the quadruple homicide remains active.

## **V. Recruitment**

MS-13 sustains itself by constantly attempting to recruit new members. MS-13 gang members recruit in our schools and communities. They prey on the vulnerable, frequently targeting young people who recently immigrated to this country. They often target individuals who lack the support of close relatives and healthy social networks, using threats and acts of violence to coerce those reluctant to join. Several factors lead individuals to become members of MS-13, including, but not limited to, social alienation, the need to be part of a group, a sense of cultural unity, the promise of protection, and economic gain.

MS-13 members also recruit children placed in communities in Suffolk County through the UAC program. From the beginning of 2014 through March 2017, 4,624 UACs have been placed in Suffolk County alone, making it one of the largest recipients of UACs in the country. The vast majority of these children come from El Salvador, Honduras and Guatemala, where MS-13 has a significant presence. Many of these children are vulnerable to

gang recruitment because they are young, unaccompanied, adjusting to a new country, culture and language, and seeking a sense of belonging. This is compounded by the fact that the sponsors of these children in some cases prove not to be suitable guardians.

In sum, while the overwhelming majority of these children live law-abiding lives, UACs are undoubtedly a source of recruitment for MS-13. Of a sampling of 156 active gang members in Suffolk County, 39 are Unaccompanied Alien Children, and seven of the thirteen defendants recently charged in a RICO indictment in the Eastern District of New York are UACs. It is not entirely clear, however, the percentage of UACs who came into the United States as MS-13 gang members, were recruited while in federal custody or were preyed upon once they reached Suffolk. In consultation with our federal partners, we have recently launched a new intelligence gathering protocol to assist in collecting that information.

#### **VI. Gang Eradication Strategy of the SCPD**

As a result of this recent violence, the Suffolk County Police Department launched a multipronged gang eradication strategy. It involves law enforcement efforts, as well as school-based and community-based initiatives to reduce gang recruitment and enlistment.

The law enforcement strategy is centered on gathering as much intelligence as possible regarding MS-13 and its members, with the specific objective of identifying MS-13 gang members and locations where they congregate. We use a variety of tactics to collect intelligence, including, but not limited to, debriefing all of our arrestees. The Department prioritizes the targeting of known MS-13 gang members by creating strategic subject lists of known MS-13 gang members, and then assigns police officers with expertise in gang enforcement to particular gang members to perform targeted enforcement. That targeted enforcement includes, but is not limited to, effectuating street arrests of known MS-13 gang members. Since we launched this initiative in September of 2016, we have made approximately 220 MS-13 gang arrests of approximately 157 individual MS-13 gang members. This targeted enforcement suppresses crime, results in the collection of intelligence, and generates valuable evidence for federal prosecutions down the road.

As we engage in this targeted enforcement, we are working hand in hand with our law enforcement partners through the Long Island FBI Safes Street Task Force, which is run by the FBI and consists of law enforcement officials from numerous agencies. Working with the FBI Task Force, and the United States Attorney's Office for the Eastern District of New York, we

strategically select MS-13 gang members for federal prosecution under the RICO statute, which is a highly effective tool to dismantle gangs such as MS-13. The RICO statute carries stiff penalties, allows us to effectively convert street crimes into RICO offenses, and serves as a tool to cast a large net over the gang and negatively impact its leadership.

We also work with the Department of Homeland Security in a variety of ways. For example, we share intelligence with Homeland Security regarding known gang members in order to facilitate the commencement of removal proceedings against MS-13 gang members. Although it is often our objective to arrest and prosecute MS-13 gang members for federal criminal offenses in order to prevent them from merely reentering after deportation, circumstances do arise when we are not able to effectuate a criminal arrest, and the Department of Homeland Security is able to utilize its immigration enforcement tools to remove these dangerous people from our streets. To date, as a result of this partnership, the Department of Homeland Security has detained approximately 36 MS-13 gang members in Suffolk County based on gang identification and civil violations of the immigration law. It is important to highlight that this component of our overall strategy is surgical in nature in that it targets only active MS-13 gang members. In addition, we automatically notify the

Department of Homeland Security when we arrest an individual for a misdemeanor or felony who was not born in this country so that immigration authorities can take appropriate action, if any.

Although cooperation with the Department of Homeland Security is mission critical to removing dangerous gang members from our streets, the Suffolk County Police Department must also ensure that undocumented individuals feel comfortable providing information to law enforcement. To this end, our officers do not inquiry into the immigration status of those individuals who come to the police as a witness, victim or someone merely seeking police assistance. The mission of the Police Department is to provide and maintain a safe environment for every person in Suffolk County regardless of that person's residency or immigration status. If individuals believe that they cannot freely cooperate with law enforcement because of their immigration status, the mission of the Police Department and the safety of all residents are compromised.

In addition to targeting known gang members, and working with our federal law enforcement partners to remove MS-13 gang members from our streets, we have also enhanced our police presence, both uniformed and plainclothes, in affected areas. We recently partnered with the New York State Police to assist us in this effort.

We recognize, however, that targeted enforcement and patrols will not alone lead to the eradication of MS-13 from our communities. As law enforcement weeds gang members from our communities, we need to invest in school-based and community-based programs to reduce gang recruitment and involvement. As noted, MS-13 preys on our vulnerable young people, and if we do not provide the structure that these young people need to prosper, MS-13 will.

To this end, we utilize an arsenal of community-based intervention strategies to prevent and deter gang violence, such as custom notifications, call-ins and youth conflict insertions. We work closely with our schools to identify at risk children to intervene in effective ways to prevent them from joining a gang or to assist them in getting out of a gang. Suffolk County is also investing in an early intervention gang prevention program in Brentwood and other communities in Suffolk County. Utilizing a not-for-profit organization that specializes in gang prevention, the program - called the CHANGE program - will target vulnerable children who are at risk of gang involvement and provide them with much needed services, including, but not limited to, social work services, psychological counseling, educational and vocational assistance, and much more. The program also aims to involve the family of the child so that

those who have the most influence over the child are empowered to assist him or her in avoiding gang involvement.

As discussed in more detail below, these efforts must also address the needs of the UAC population, as they are some of the most vulnerable to MS-13 recruitment. As it currently stands, it is extremely difficult for local government to address their needs because of the lack of notification by the federal government to local officials, the sheer number of children being placed in Suffolk County and in other communities throughout the country, and the inadequate funding of any such efforts.

## **VII. How the Federal Government Can Further Assist**

### **a. Additional Resources**

#### **i. Additional AUSAs and Proposed Pilot Program**

In order to effectively address this complex issue, we must continue to arrest and prosecute MS-13 gang members under the RICO statute to remove dangerous individuals from our streets and dismantle the gang's leadership. In order to do so, however, local law enforcement agencies need the support of the federal government to prosecute these cases. A practical impediment to this task is the number of Assistant United States Attorneys on staff on Long Island.

The Long Island Criminal Division, which operates out of the United States Attorney's Office, Eastern District of New York branch office in Central Islip, is responsible for prosecuting all federal crimes occurring in Nassau and Suffolk counties, including violent crimes, public corruption, terrorism, securities and corporate fraud, major narcotics trafficking, and child pornography crimes. Nassau and Suffolk counties are densely populated and the Long Island Criminal Division serves a population of approximately 2.85 million people, which is 35% of the Eastern District of New York, and is larger than many entire districts around the country. Many of the cases prosecuted by the Long Island Criminal Division, including the MS-13 prosecutions, are international and interstate in reach.

Currently, the Long Island Criminal Division only has eleven line AUSAs and four supervisors, all of whom carry full caseloads in addition to their supervisory responsibilities, which is significantly below the normal staffing level. At the beginning of 2013, the Long Island Criminal Division had 18 AUSAs, including supervisors, but due to attrition, sequestration and budget reductions, staffing dropped to 11 AUSAs at one point. Several additional AUSAs were hired, but

they have been insufficient to return the Long Island Criminal Division to the 2013 staffing level.

Indeed, Long Island (Nassau and Suffolk counties combined) has a population of about 2.85 million and 14 AUSAs. By comparison, Kansas has a population of 2.9 million and 24 Criminal AUSAs plus 6 Special Assistant United States Attorneys; Eastern District of Tennessee has a population of 2.6 million and over 30 AUSAs; and though Nassau and Suffolk counties comprise 35% of the Eastern District's population, there are approximately 105 Criminal AUSAs in Brooklyn and only 14 on Long Island.

The limited number of prosecutors assigned to the Central Islip office forces these dedicated prosecutors to make decisions about how to most effectively allocate resources by deciding which cases should be, or should not be prosecuted federally. In the event that more AUSAs are assigned to the Long Island Criminal Division, the Suffolk County Police Department, federal agencies and the United States Attorney's Office could enter into a pilot program whereby all MS-13 arrests in the County are reviewed by an MS-13 intake AUSA to determine whether any federal charges could be brought against the arrestee. This would increase the number of federal prosecutions of MS-13 gang members, taking dangerous individuals

off our streets, and likely generate significant intelligence due to the incentives in the federal system for defendants to cooperate with law enforcement. Such a program called the Triggerlock Program was successfully launched in the Southern District of New York relating to firearm offenses.

In short, the additional AUSAs will enhance the United States Attorney's Office's ability to prosecute violent crimes committed by members of MS-13, with the objective of continuing and increasing our efforts to dismantle and incapacitate MS-13 within the Eastern District of New York and beyond.

**ii. Grant Opportunities to Combat Gang Activity**

As noted, a critical part of our strategy to deter and prevent gang activity is to enhance police presence and patrols in affected areas, also known as "hot spot policing." The Suffolk County Police Department has recently applied through the Department of Justice for the Project Save Neighborhoods grant, which awards \$500,000 to a jurisdiction to offset the cost of such policing efforts. Awarding this grant to Suffolk County is consistent with the federal government's commitment to eradicating MS-13 from our communities. I respectfully request that the Department of Justice award this grant to Suffolk County, and urge the federal government to create additional

grant opportunities to assist local police in this important mission.

### **iii. Gang Prevention Programs**

It is imperative that we dedicate resources to school-based and community-based gang prevention programs in order to reduce successful gang recruitment. These efforts should focus on vulnerable populations, including UACs. Indeed, such funding should be directly tied to the UACs placed in our communities, as they are some of the most vulnerable to MS-13 recruitment.

#### **b. Intelligence Sharing**

Information sharing among law enforcement agencies is a critical part of any effective strategy in order to ensure coordination of our efforts to remove dangerous gang members from our streets. To this end, it would be of significant assistance to our joint efforts to create a singular database with information relating to identified MS-13 gang members. The database could include the gang member's pedigree information, the clique he belongs to, his immigration status as confirmed by the Department of Homeland Security, whether he is a UAC, whether he is actively under investigation, which jurisdictions are involved in any such investigation, and any other intelligence that is sharable and relevant. The system could

include automatic notifications to local agencies when information is added regarding an individual who is of interest to that agency. Such a database would encourage multi-jurisdictional efforts and allow local police departments to be more proactive in targeting known MS-13 gang members in our communities.

Since my law enforcement partners and I testified before the United State Senate Committee on Homeland Security and Governmental Operations, I have been recently informed that such efforts are currently underway. Those efforts include regionally and internationally-based MS-13 fusion centers.

### **c. The UAC Program**

It is imperative to our mission that the federal government place UACs in our communities after proper screening of sponsors followed by measures ensuring sponsor compliance. Otherwise, we are creating an ideal recruiting opportunity for MS-13. Such reforms might include increased screening and compliance monitoring of sponsors, local notification of placement to school districts and local governments, and increased funding for post-placement services.

## **VIII. Conclusion**

I want to thank the United States House of Representatives, Committee on Homeland Security, Subcommittee on Counterterrorism and Intelligence for its commitment to this very important issue, and the opportunity to appear before it today. I look forward to working with the Committee and all its Members and staff.