

To: United States House of Representatives Committee on Homeland Security

From: Detective Sergeant Michael Marino, Commanding Officer, Gang Investigations Squad, Nassau County Police Department

Re: MS-13 Testimony

I. Summary

I am Detective Sergeant Michael Marino, Commanding Officer, of the Gang Investigations Squad (GIS), Nassau County Police Department. I am honored and grateful to represent the Nassau County Police Department in providing testimony regarding the activities of the “transnational criminal organization” known as Mara Salvatrucha 13 (MS-13), as designated by the United States government within the County. In addition, I will explain the duties, functions, and strategies of GIS to investigate and combat gang crime in general and in particular MS-13.

Although Nassau County is one of the safest places in the country and we are experiencing record low crime rates, we are not spared the violence of MS-13. There have been twelve (12) MS13 investigations for the first half of 2017, which is the lowest number since the formation of GIS in 2005. The national and local media attention, in addition to the gruesome nature of some crimes perpetrated by MS-13, has magnified the perception of their activities. A brief explanation of our experience with the Unaccompanied Alien Children (UAC) population, as it relates to their gang participation and recruitment, is necessary. We cannot ignore the historically rival gangs of MS-13 that exist within the county such as 18th Street, Vatos Locos (VL), Salvadorians with Pride (SWP), Latin Pride (LP) and the Bloods. A balanced and consistent approach is necessary as one gang tends to fill the void left by the diminished gang.

I will provide the committee with the framework of “Operation 503” and as much information as possible, since some components of the investigation are continuing.

Last, tutorials on the use of social media by MS-13 to intimidate, recruit, and threaten individuals or groups would be valuable.

Although, many of my law enforcement colleagues have correctly detailed the facets of MS-13, a distinct perspective of the detectives in the Gang Investigations Squad should give the Committee a more comprehensive view of the issue.

II. MS-13 in Nassau County

Currently we have identified 345 MS-13 gang members active within the last five years and 367 inactive MS-13 gang members who are predominantly male extending in

age from fifteen (15) to thirty (30). A small percentage of females and those outside that age range do exist. The majority of MS-13 gang members residing in Nassau County originate from Central American countries, are not United States citizens, and do not speak fluent English.

This is unlike their rival gang SWP who are frequently born in the United States and speak English. We believe SWP started in Hempstead as a defense to MS-13 violence and has not been identified outside Nassau County borders for many years. Historically, MS-13 has been concentrated in the communities of Westbury, Hempstead, Uniondale, Roosevelt, Glen Cove, and Freeport with lesser amounts distributed throughout the county. We have encountered MS-13 gang members that have several different types of immigration status.

Generally, MS-13 gang members are employed earning wages and do not engage in crimes designed for profit as dealing drugs or credit card fraud. This is a significant difference from other street gangs in Nassau County and necessitates a more nuanced approach during investigations.

III. Criminal Activities of MS-13

Exceedingly, crimes committed by MS-13 within Nassau County are gang versus rival gang or gang within gang. Innocent persons can become victims because MS-13 gang members misidentify individuals as adversaries due to style of dress, associates, or social media posts. Assaults outnumber all other crimes together. Over the years we also have crime reports involving MS-13 in murder, attempted murder, robberies, burglaries, menacing, drug possession, witness tampering, criminal possession of weapon, reckless endangerment, criminal mischief, making graffiti, and a variety of other lesser crimes.

MS-13 gang members have utilized knives, chains, machetes, and firearms as weapons during many of their assaults. It is not unusual for there to be multiple attackers during these aggressions. Often, these events are retaliatory in nature from other incidents that occurred a day ago, a month ago, or years ago.

On April 30, 2017, three members of MS-13 embarked on a machete attack against persons they perceived to be rival gang members in Westbury. The victim sustained severe and serious lacerations. Additionally, one member fired a hand gun five times at victims, and fortunately no one was struck by the bullets. The GIS detectives arrested the perpetrators and recovered the firearm within three days. All originally from El Salvador, two of the gang members were undocumented and one has UAC status. This case is currently being prosecuted by the Nassau County District Attorney's Office. Although currently rare in Nassau County, this is a good example of the typical MS-13 gang assaults throughout Long Island.

a. UAC Program

Our experience with UAC's placed within Nassau County is largely anecdotal. Only recently have we begun to track and understand all of the immigration statuses relating to MS-13. We believe that certainly pluralities of UAC's are law-abiding from information obtained during our investigations. At this time, it is difficult to determine the percentage of UAC's who were already gang members when they entered the country as the laws in El Salvador prohibit the exposure of criminal or gang records of minors.

It is clear that MS-13 and the rival gangs target these children for recruitment. They become a high-risk group because they are young, alone in a new country, have a language barrier, and an unconventional family structure. We have investigated cases where our UAC victims who were not gang members did, over periods of time, succumb to the pressure and become gang members. It is a strong recruitment tool to pitch

protection for these victims by MS-13 and their rivals. Our most recent MS-13 investigation Operation 503 revealed seventeen (17) of forty one (41) indicted gang members were UAC's. Nassau County Police Department's (NCPD) continued cooperation with our federal partners should shed some further light on this issue.

IV. Gang Investigation Squad

In 2005, the Nassau County Police Department created the GIS to implement its gang reduction strategies. Currently under the Major Case Bureau, GIS is a robust unit of senior detectives and sergeants responsible for investigating and coordinating all information and intelligence involving street gang activity within Nassau County. Duties include the gathering and dissemination of street-gang intelligence; the debriefings of gang members and associates; coordination of investigations of gang-related incidents with precinct detective squads, special squads, and other law enforcement agencies; and conducting investigations of selected gang-related incidents.

GIS is supported by many other units within the police department including the Intelligence Division, Detective Division, and Patrol Division. The Intel Center has civilian gang analysts which are critical to our intelligence gathering efforts especially in the social media arena. We have partnered for many years with several federal agencies including the FBI Long Island Safe Streets Task Force, Department of Homeland Security, and the United States Attorney's Office for the Eastern District of New York. On the local level, we coordinate with the village and city police departments especially Hempstead, Freeport, Glen Cove, and Long Beach. GIS works closely with the Special Operations Narcotics and Gang Bureau of the Nassau County District Attorney's Office. The New York State Police and New York State Parks Police have had joint investigations involving GIS.

Since our inception, GIS has collaborated with our school districts as host of the School Administrators Gang Awareness (SAGA) program. SAGA consists of one or two yearly meetings with participating school districts where we share information and provide gang awareness training. Our relationship with school districts has resulted in

several successful joint non-criminal interventions of gang members or potential gang members. This association is important as we realize the earliest signs of gang affinity may manifest in school.

Recruitment on or near school grounds is common. GIS assisted one school district where the close proximity of the high school, middle school, library, and park were contributing to increased recruitment. We helped by assisting with an environmental design that included the use of fencing, lighting, cameras, and security personnel to create a safer route home for the students.

The NCPD prioritizes intelligence sharing and to meet those goals as it relates to gangs, GIS did develop the Daily Gang Intel Report that is electronically distributed to all relevant law enforcement personnel. Working closely with information from our Intel Division, GIS detectives everyday assemble any NCPD police gang contact for the previous twenty-four hours from a simple field stop through the most serious crime reports and arrests.

GIS utilizes many strategies, initiatives, and law enforcement techniques to investigate gang related crimes. As gang related is often under reported, is it important to include gang motivated based crime and gang membership based crime. Many times, the motivation is unknown immediately and may remain undetermined. If either the victim, subject, or both are gang members, it should be categorized as a gang crime thus improving accuracy of statistics and lessen missed investigative opportunities.

Many of the detectives assigned to GIS have been involved in gang investigations for at least a dozen years. This stability garners support from the community as strong relationships build from interviewing victims and witnesses. These detectives go to great lengths to protect victims and witnesses which fosters trust within the community.

GIS believes that a small subset of violent gang members are willing to use firearms. We target this group with our Top Shooter Initiative. Concentrating on removing a shooter from the gang also eliminates a target for the rival gang. GIS has seen a multiplier effect reduction in the amount of shootings in a neighborhood when we arrest a shooter. This focus also increases the likelihood that we can recover the illegal weapon. We include dangerous weapons such as machetes in this category for MS-13.

GIS is mandated by the NCPD to assess retaliation by MS-13 and gangs in general when an incident occurs. As most assaults are the result of retaliatory violence, we must expeditiously attempt to arrest the offenders and determine the necessary support resources to deploy such as special patrols or plainclothes crime units.

As of this date, GIS has investigated twelve (12) MS-13 gang cases for this year. During 2016 and 2015 we investigated thirty-one (31) and thirty-two (32) cases respectively. This reduction was possible due to the support of the entire NCPD and the joint efforts of our local and federal partners.

IV. Operation 503

“Operation 503” was a joint investigation by NCPD, Nassau County District Attorney’s Office, Hempstead PD, New York State Parks Police, and the Department of Homeland Security. “503” is the country code for calling El Salvador by phone. The investigation looked at numerous violent cases going back to 2013 involving MS-13. After a month long presentation to the Grand Jury, a Conspiracy indictment was returned against forty-one (41) MS-13 gang members for an attempt to commit the crime of murder in the second degree, assault in the first degree, an attempt to commit the crime of assault in the first degree, and assault in the second degree.

V. Use of Social Media by Gangs

Most people are aware of the use of social media by terrorist groups or internetpredators, however, gangs use similar tactics. There are hundreds of thousands gang-related photos and videos circulating on the web. A simple search of the major social media services such as Facebook, YouTube, Twitter, Google, Instagram, and a host of others, would reveal the magnitude of gang-related material. GIS has reviewed thousands of these postings as MS-13 and other gangs promote propaganda and glorification of gang lifestyle as a recruitment tool. The gangs also use these platforms to intimidate and threaten their rivals which can lead to violent retaliation.

Law enforcement can use these photos and videos as powerful evidence. GIS was attempting to obtain a Title III wiretap but could never quite reach the lawful threshold until we discovered two YouTube videos depicting the Rollin 60’s Crip gang with firearms and drugs. That case dubbed “Operation Cs Down” started as a local investigation and is now being prosecuted by the US Attorney’s Office of the Eastern District.

We advise parents to monitor their children’s computer to look for signs of gang involvement and protect them from recruitment. It is also prudent not to “like” a gang related posting or post anything on a page depicting any gang activities.

VI. Conclusion

The Nassau County Police Department thanks the United States House of Representatives Committee on Homeland Security for their attention to this critical issue, and the opportunity to appear before it today. The NCPD will continue to work with the Committee Members and its’ staff.