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United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

January 18, 2022

VIA ELECTRONIC TRANSMISSION

The Honorable Alejandro Mayorkas
Secretary
U.S. Department of Homeland Security
3801 Nebraska Avenue, NW
Washington, D.C. 20016

Dear Secretary Mayorkas:

This letter is to request a briefing on the data collection methods, procedures, efforts, and reports of gang-related apprehensions and deportations, as well as the steps federal law enforcement are currently taking against gang-related immigration offenses and gang-related crimes, by the appropriate personnel at the Department of Homeland Security (DHS).

Gangs are a danger to the American public. According to the Federal Bureau of Investigation (FBI), over 30,000 gangs are criminally active in the United States.¹ These gangs use violence as a means of control. They intimidate, murder, and traffic humans and drugs. They commit identity theft, credit card fraud, and money laundering.² They murder and threaten law enforcement, sometimes involving family members, to retaliate and intimidate.³

Gangs are also particularly dangerous because they recruit disaffected youth.⁴ Schools are used for gang recruitment and drug sales and distribution.⁵ According to the most recent Bureau of Justice Statistics data, nine percent of students in middle school and high school reported a gang presence at their school.⁶

¹ Gangs, FBI, <https://www.fbi.gov/investigate/violent-crime/gangs>.

² NAT'L GANG INTEL. CTR., 2015 NATIONAL GANG REPORT 12 (2015), <https://www.fbi.gov/file-repository/stats-services-publications-national-gang-report-2015.pdf/view> [hereinafter 2015 GANG REPORT].

³ Examples include the murder of an Arizona police officer in response to a racketeering case and the kidnapping of a North Carolina ADA's father, although the original plot was to kidnap and murder the ADA. *Id.* at 13.

⁴ *Mara Salvatrucha*, ENCYC. BRITANNICA, <https://www.britannica.com/topic/Mara-Salvatrucha> (last visited Jan. 13, 2022) ("The majority of [MS-13's] members are between the ages of 11 and 40. . . ."); *see also, e.g.*, Damien Gayle, *Drugs gangs recruiting children from small towns, research reveals*, THE GUARDIAN (Apr. 26, 2018), <https://www.theguardian.com/society/2018/apr/26/rise-in-child-drug-runners-recruited-from-small-towns-research>; Anna Harris, *Possible gang members attempt recruitment of Sterling Middle students*, LOUDON TIMES-MIRROR (May 1, 2015), https://www.loudountimes.com/news/possible-gang-members-attempt-recruitment-of-sterling-middle-students/article_758a3cec-d74b-5475-858e-d3a6e7f915a0.html.

⁵ NAT'L GANG INTEL. CTR., 2009 NATIONAL GANG THREAT ASSESSMENT 6 (2009), <https://www.fbi.gov/file-repository/stats-services-publications-national-gang-threat-assessment-2009-pdf/view> [hereinafter 2009 GANG REPORT].

⁶ INSTITUTE OF EDUC. SCIS., REPORT ON INDICATORS OF SCHOOL CRIME AND SAFETY: 2020 10 (2021), <https://bjs.ojp.gov/sites/g/files/xyckuh236/files/media/document/iscs20.pdf>.

This issue is directly and significantly impacting Americans right now. In the past two years, homicides have increased by roughly 35 percent in major U.S. cities.⁷ In 2021, FBI Director Wray recently named gangs as an important danger to defend against, citing over 600 gang-related arrests in a single month of 2021.⁸ And the DHS's Homeland Security Investigations (HSI) told Committee staff in January 2022 that the nation's recent spike in organized retail crime is linked to gangs and organized crime groups, and HSI conveyed to Committee staff that they are approaching organized retail crime issues as gang issues.⁹

A critical part of winning the fight against gangs and gang-related violence is knowledge: knowing who we are fighting against, whether our procedures are effective, and what additional resources law enforcement needs. Unfortunately, the American public and Congress alike lack access to current gang-related data. Even though the United States experienced a record 1.7 million encounters with illegal immigrants at the southern border in Fiscal Year 2021,¹⁰ U.S. Customs and Border Patrol had a record *low* in gang apprehensions.¹¹ These data appear inconsistent, yet my staff lack the ability to effectively analyze this issue due to the dearth of reported data and data collection methods.

I would like to know the following:

1. How are the agencies under your authority tracking this issue? Which data collection policies or procedures have been changed under the Biden Administration? What changes to the collected data have resulted from such changes?
2. What are these agencies finding in terms of trends? Which gangs have shown most growth in the last two years? To what extent is immigration related to their growth? Are the fastest-growing gangs primarily local, national, or transnational? Which crimes are these gangs committing most frequently? Has this changed in the last two years? Are these gangs using new tools, methods, or networks to commit certain crimes? To what extent and on which kinds of criminal activity do gangs cooperate?
3. Which sections of the criminal code currently provide the best tools for enforcement? Which impede the effective investigation or prosecution of gang-related crimes? What additional legislative tools might be helpful or necessary to assist in these agencies' efforts?
4. What state-based reporting issues affect data collection and accuracy?

⁷ This includes a 30% increase in 2020 nationwide, John Gramlich, *What we know about the increase in U.S. murders in 2020*, PEW RSCH. CTR. (Oct. 27, 2021), <https://www.pewresearch.org/fact-tank/2021/10/27/what-we-know-about-the-increase-in-u-s-murders-in-2020/>, and another 4% increase in 22 major U.S. cities through September 2021, see Zusha Elinson, *Murders in U.S. Cities Were Near Record Highs in 2021*, WALL STREET J. (Jan. 6, 2022), <https://www.wsj.com/articles/murders-in-u-s-cities-were-near-record-highs-in-2021-11641499978>.

⁸ Opening Statement of Director Christopher Wray, FBI, before the Senate Committee on Homeland Security and Governmental Affairs, (September 21, 2021), at <https://www.fbi.gov/news/testimony/threats-to-the-homeland-evaluating-the-landscape-20-years-after-911-wray-092121>.

⁹ Brief given by Homeland Security Investigations to Senate Judiciary Committee staff on January 12, 2021.

¹⁰ Eileen Sullivan & Miriam Jordan, *Illegal Border Crossings, Driven by Pandemic and Natural Disasters, Soar to Record High*, N.Y. TIMES (Oct. 22, 2021), <https://www.nytimes.com/2021/10/22/us/politics/border-crossings-immigration-record-high.html>.

¹¹ *CBP Enforcement Statistics Fiscal Year 2022: U.S. Border Patrol Nationwide Apprehensions by Gang Affiliation*, U.S. CUSTOMS AND BORDER PATROL, <https://www.cbp.gov/newsroom/stats/cbp-enforcement-statistics>.

5. What new initiatives are the agencies under your authority undertaking on this issue? Which existing initiatives have proved the most helpful?
6. What further steps can be taken to combat gang-related immigration and criminal offenses?

I am deeply concerned that Congress, as the principal oversight authority of your agency, lacks significant insight into this nationally prevalent issue. A briefing by the relevant agencies under your purview to address the above questions would do much to correct this concern.

I ask that your Office of Legislative Affairs be in contact with my staff to set up such a briefing. If you have any questions, please contact Tina Seideman on my Committee staff at (202) 224-5225.

Sincerely,

Charles E. Grassley
Ranking Member
Committee on the Judiciary