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**NAVAL  
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**MONTEREY, CALIFORNIA**

**THESIS**

**EL SALVADOR'S CRIME PREVENTION POLICIES—  
FROM MANO DURA TO EL SALVADOR SEGURO**

by

Carlos A. Carballo

December 2015

Thesis Co-Advisors:

Thomas Bruneau  
Diego Esparza

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<b>REPORT DOCUMENTATION PAGE</b>			<i>Form Approved OMB No. 0704-0188</i>	
Public reporting burden for this collection of information is estimated to average 1 hour per response, including the time for reviewing instruction, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Washington headquarters Services, Directorate for Information Operations and Reports, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302, and to the Office of Management and Budget, Paperwork Reduction Project (0704-0188) Washington, DC 20503.				
<b>1. AGENCY USE ONLY</b> <i>(Leave blank)</i>		<b>2. REPORT DATE</b> December 2015		<b>3. REPORT TYPE AND DATES COVERED</b> Master's thesis
<b>4. TITLE AND SUBTITLE</b> EL SALVADOR'S CRIME PREVENTION POLICIES—FROM MANO DURA TO EL SALVADOR SEGURO			<b>5. FUNDING NUMBERS</b>	
<b>6. AUTHOR(S)</b> Carlos A. Carballo				
<b>7. PERFORMING ORGANIZATION NAME(S) AND ADDRESS(ES)</b> Naval Postgraduate School Monterey, CA 93943-5000			<b>8. PERFORMING ORGANIZATION REPORT NUMBER</b>	
<b>9. SPONSORING /MONITORING AGENCY NAME(S) AND ADDRESS(ES)</b> N/A			<b>10. SPONSORING / MONITORING AGENCY REPORT NUMBER</b>	
<b>11. SUPPLEMENTARY NOTES</b> The views expressed in this thesis are those of the author and do not reflect the official policy or position of the Department of Defense or the U.S. Government. IRB Protocol number ___N/A___.				
<b>12a. DISTRIBUTION / AVAILABILITY STATEMENT</b> Approved for public release; distribution is unlimited			<b>12b. DISTRIBUTION CODE</b>	
<b>13. ABSTRACT (maximum 200 words)</b>  This thesis examines Salvadoran policies that addressed the rise in violent crime by gangs. These gangs have posed the biggest security risk to El Salvador since the end of the civil war in 1992. The two biggest gangs are the Mara Salvatrucha (MS-13) and 18th Street, both originating in Los Angeles, CA, and which have proliferated throughout the Americas since the 1990s. Salvadoran administrations have tried to solve the issue in different manners. The Nationalist Republican Alliance administration (1997–2009) created the Mano Dura (Iron Hand) policies in 2003 and Super Mano Dura in 2004 in an attempt to decrease violent crime through repressive police tactics and incarcerations. The result was higher homicide rates. The National Farabundo Martí Liberation administrations (2009–present) negotiated a Gang Truce between MS-13 and 18th Street to move past Mano Dura, leading to a modest decrease in homicides in 2012 and 2013. The results, however, were mixed in the levels of violent crime other than homicides. The truce was broken and replaced by a comprehensive social outreach strategy called Plan El Salvador Seguro. The argument is that after Plan El Salvador Seguro is implemented, the results should reverse the trend of rising violent crime, but it is going to take time—and money.				
<b>14. SUBJECT TERMS</b> El Salvador, <i>Mano Dura</i> , <i>Super Mano Dura</i> , anticrime policies, <i>El Salvador Seguro</i> , gangs, gang truce, violent crime, homicide rate			<b>15. NUMBER OF PAGES</b> 91	
			<b>16. PRICE CODE</b>	
<b>17. SECURITY CLASSIFICATION OF REPORT</b> Unclassified		<b>18. SECURITY CLASSIFICATION OF THIS PAGE</b> Unclassified		<b>19. SECURITY CLASSIFICATION OF ABSTRACT</b> Unclassified
				<b>20. LIMITATION OF ABSTRACT</b> UU

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**EL SALVADOR'S CRIME PREVENTION POLICIES—FROM MANO DURA  
TO EL SALVADOR SEGURO**

Carlos A. Carballo  
Lieutenant, United States Navy  
B.S., United States Naval Academy, 2009

Submitted in partial fulfillment of the  
requirements for the degree of

**MASTER OF ARTS IN SECURITY STUDIES  
(WESTERN HEMISPHERE)**

from the

**NAVAL POSTGRADUATE SCHOOL  
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## ABSTRACT

This thesis examines Salvadoran policies that addressed the rise in violent crime by gangs. These gangs have posed the biggest security risk to El Salvador since the end of the civil war in 1992. The two biggest gangs are the Mara Salvatrucha (MS-13) and 18th Street, both originating in Los Angeles, CA, and which have proliferated throughout the Americas since the 1990s.

Salvadoran administrations have tried to solve the issue in different manners. The Nationalist Republican Alliance administration (1997–2009) created the *Mano Dura* (Iron Hand) policies in 2003 and *Super Mano Dura* in 2004 in an attempt to decrease violent crime through repressive police tactics and incarcerations. The result was higher homicide rates. The National Farabundo Martí Liberation administrations (2009–present) negotiated a Gang Truce between MS-13 and 18th Street to move past *Mano Dura*, leading to a modest decrease in homicides in 2012 and 2013. The results, however, were mixed in the levels of violent crime other than homicides. The truce was broken and replaced by a comprehensive social outreach strategy called Plan *El Salvador Seguro*. The argument is that after Plan *El Salvador Seguro* is implemented, the results should reverse the trend of rising violent crime, but it is going to take time—and money.



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## LIST OF ACRONYMS AND ABBREVIATIONS

ARENA	Alianza Republica Nacionalista (Nationalist Republican Alliance)
CARSI	Central America Regional Security Initiative
CRS	Congressional Research Service
CNSCC	Consejo Nacional de la Seguridad Ciudadano y Convivencia (National Council on Citizen Security and Coexistence)
DC	Washington, DC, region
GAO	Government Accountability Office
ESCA	Estrategia de Seguridad Centroamericana (Central American Security Strategy)
FMLN	Frente Farabundo Martí para la Liberación Nacional (Farabundo Martí National Liberation Front)
IIRIRA	Illegal Immigration Reform and Immigration Responsibility Act
IML	Instituto de Medicina Legal (National Forensics Institute)
INS	Immigration and Naturalization Service
IPAZ	Iniciativa Pastoral de la Vida y la Paz (Pastoral Initiative for Life and Peace)
MS-13	Mara Salvatrucha
PFG	Partnership for Growth
PNC	Policía Nacional Civil (National Police Force)
UAC	Unaccompanied Children
UNODC	United Nations Office on Drugs and Crime
UNOSAL	United Nations Mission in El Salvador
USAID	United States Agency for International Development
WOLA	Washington Office on Latin America



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## ACKNOWLEDGMENTS

I spent too many late nights writing while drifting off, thinking about my family sleeping soundly, and wishing I was spending time with them instead. I will be forever grateful for their support during this challenging time, while I was away from their side, with my head in the books. My thanks to my amazing wife, Claudia, for always giving me the confidence it takes to undertake such a difficult task as completing a master's thesis. She is so wonderful and a blessing, making up for my absences while raising our intelligent and gorgeous daughter, Ariella. I dedicate this work to the two of you for helping me realize what is important in life, and for giving me the strength and purpose to push on and achieve my goals. I thank my parents and siblings for their support, now and throughout the past decade and a half of my naval service, and for loving me although I have been gone most of that time.

I am thankful and indebted to the United States of America, the United States Naval Academy, and the Naval Postgraduate School for affording me these opportunities to further my education as an undergraduate and graduate student under the guidance of some of the greatest minds in our country. I would have never imagined that I would have been able to further my education at these great institutions. From the beginning, the one person who inspired me so enthusiastically and supported my studies since I entered the program was my advisor, Thomas Bruneau, whom I consider a giant among academics throughout the world. He exceeded any expectations I may have had of a professor and his guidance has been invaluable, and I cannot thank him enough. I would also like to thank my co-advisor, Diego Esparza, who taught me so much about research writing, gave me confidence in my ability to complete my project, and quickly gained my trust and respect. In the end, this would not have been completed satisfactorily were it not for the assistance of my editor, Richard Mastowski. I have been lucky to have so much support during this process.

I am grateful for the years I spent on the Central Coast and in the Monterey Bay area with friends, family, and the great professors whom I have had the privilege to learn so much from during my time in Monterey.

## I. INTRODUCTION

Since the end of the Salvadoran civil war, the country's biggest security risk has been the rise of gangs. The demilitarization and demobilization of El Salvador's security forces that started in 1992 led to a security vacuum after the civil war. Despite the Salvadoran peace transition being a relative success story for ending the country's civil war, the post-civil war governments have been ineffective in addressing lawlessness.<sup>1</sup> The situation is further complicated by gang members being deported out of the United States and into El Salvador. These gangsters were the refugees escaping the bloody civil war and ended up in gangs after arriving in the United States, joining for a myriad of reasons. Initially, there was no need for antigang policies, until the rising number of violent crimes and homicides by self-proclaimed gangsters, or "pandilleros," pushed the government to create them in 2003.<sup>2</sup> The initial response was draconian laws under President Francisco Flores (1999–2004) that would come to be known as the *Mano Dura* (Iron Hand) policies. This was antigang legislation that would call for the arrest of gangsters, removal of all graffiti, and broad area sweeps in search of suspected gang members.<sup>3</sup> These policies would become even more repressive in the enhanced *Super Mano Dura* policies by the following Antonio Saca administration (2004–2009), which gave the police authority to apprehend anyone who may even appear to be gang affiliated in order to dismantle the gangs. The Salvadoran administrations pursued these policies for a dozen years, until President Salvador Sánchez Cerén (2014-present) commissioned the Consejo Nacional de Seguridad Ciudadana y Convivencia (CNSCC or National Council on Citizen Security and Coexistence). The CNSCC turns its back on *Super Mano Dura* and instead works to find and address the root causes for gang

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<sup>1</sup> Wim Savenije and Chris Van Der Borgh, "Youth Gangs, Social Exclusion, & the Transformation of Violence in El Salvador," in *Armed Actors: Organised Violence & State Failure in Latin America*, eds. Kees Koonings and Dirk Kruijt (London: Zed Books, 2004), 155.

<sup>2</sup> Sonja Wolf, *Mano Dura: The Politics of Gang Control in El Salvador* (Austin, TX: University of Texas Press, 2016), 72.

<sup>3</sup> Wolf, *Mano Dura*, 72.

proliferation in order to decrease recruitment and gang affiliation. The CNSCC's results became known as the *El Salvador Seguro* Plan.<sup>4</sup>

## **A. MAJOR RESEARCH QUESTION**

This thesis's research question is what is the probability *El Salvador Seguro* will be better at curbing gang-related violence in El Salvador *Mano Dura* (2003–2004) and *Super Mano Dura* policies (2004–2012)?

## **B. ARGUMENT, POTENTIAL EXPLANATIONS, AND HYPOTHESES**

This thesis argues that El Salvador can decrease violent crime with *El Salvador Seguro* more effectively than it did with the *Super Mano Dura* policies. The majority of the approaches made by El Salvador in combating crime have been based on the “broken windows” theory by Dr. Geoure L. Kelling and Dr. James Q. Wilson in 1982, combined with tougher, repressive tactics.<sup>5</sup> The new approach of the Cerén administration has been to focus on softer, more socially based policies in the form of the “Velvet Glove” as described by Mary Jackman.<sup>6</sup> This thesis will show that the focus of *Super Mano Dura* was more on incarceration, with minimal attention given to the rehabilitation and reintegration portions of the plan under the conservative Alianza Republica Nacionalista (Nationalist Republican Alliance or ARENA) Party. With the focus on the issues of prevention and social programs, *El Salvador Seguro* may lead to a decrease in criminal violence and an improved public perception of the security situation in El Salvador. These new policies have the potential to strengthen the rule of law in El Salvador. If the new policies prove ineffective, citizens could be forced to flee the violence, leading to an increase of immigrants to neighboring countries.

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<sup>4</sup> Office of the President of El Salvador, “Plan El Salvador Seguro Es Un Documento de Acción Realmente Consensuado: Representante Residente Del PNUD.” Presidencia de La República de El Salvador. January 15, 2015. <http://www.presidencia.gob.sv/plan-el-salvador-seguro-es-un-documento-de-accion-realmente-consensuado-representante-residente-del-pnud/>.

<sup>5</sup> George L. Kelling and James Q. Wilson, “Broken Windows,” *Atlantic* 3 (March 1982), 1–9, <http://www.theatlantic.com/magazine/archive/1982/03/broken-windows/304465/>.

<sup>6</sup> Mary R. Jackman, *The Velvet Glove: Paternalism and Conflict in Gender, Class, and Race Relations* (Los Angeles, CA: University of California Press, 1994), 208.

Insecurity among society is the dependent variable, and the independent variables being the two contrasting policies, the authoritative *Super Mano Dura* and the socially focused *El Salvador Seguro*. Two hypotheses develop how the policies may affect insecurity after they are implemented. For instance, if H<sub>1</sub> if *Super Mano Dura* works, then violent crime decreases. Violent crime is depicted throughout this thesis by homicide rates as well as other forms of violent crimes, which inhibit the public's confidence in their security. The argument is that *El Salvador Seguro*'s focus will lead to the decrease in violent crime and therefore decrease insecurity among citizens. There are three possible hypotheses the future Salvadoran policies dealing with criminal organizations and gang activity under President Cerén may predict

- H<sub>1</sub>, if *Mano Dura* is implemented, then crime will decrease.
- H<sub>2</sub>, If *Super Mano Dura* is implemented, then crime will decrease.
- H<sub>3</sub>, if Velvet Glove approach is implemented then crime will decrease violent gang-related crime.

I argue that criminal violence cannot get much worse than it was under the *Super Mano Dura* policies. A renewed focus from the Frente Farabundo Martí para la Liberación Nacional (Farabundo Martí National Liberation Front or FMLN) party leaders may lead to a different outcome in comparison to the attempts made by the previous ARENA political party's rule. The FMLN has established a majority in the National Assembly. In addition to holding onto the presidency for a second term, the administration should be able to focus more on societal solutions to gang proliferation, such as decreasing gang recruitment, increasing rehabilitation, and reintegration into society.

### **C. RESEARCH DESIGN**

This analysis is a comparative case study employing a “most-similar” method of analysis, generally normal to case-study and historical research.<sup>7</sup> The dimension of analysis of this system is diachronic longitudinal. By using the most-similar method I

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<sup>7</sup> John Gerring, *Social Science Methodology: A Critical Framework* (New York, NY: Cambridge University Press, 2001), 223.

compare the outcome of the two forms of policies this thesis focuses on making the time passed the only difference yet negligible.<sup>8</sup> The dichotomous variables are Iron Hand/Mano Dura type policies and the Velvet Glove inspired strategy, and were both implemented in the same country, with very little change in history, and culture. The difference I am researching is the levels of violent crime, whether they increase or decrease after the policies are implemented. That is comparing two-cases with only one changing variable: the policies implemented, all displayed in Table 1 showing the most-similar method. The outcome is measured in the statistics of violent crime, mostly homicide rates, except where the rates are misleading. In this instant, during the Gang Truce, the statistics measures are violent crimes that other than homicides, such as extortion, kidnappings, robberies, and burglaries. The Gang Truce was never an official policy, just a temporary approach during the era of *Super Mano Dura*. The methodology is appropriate for the research question because it aims to compare the policies used to decrease criminal violence from 2003 to 2015, making the difference in time the only aspect that is obviously different.

Table 1. The Most Similar Method for Comparing Antigang Policies.<sup>9</sup>

Cases	Crime Policy	History	Culture	Crime Rate
<b>El Salvador (2003–2014)</b>	Mano Dura	Mano Dura	Mano Dura	Higher
<b>El Salvador (2015-Present)</b>	Velvet Glove	Velvet Glove	Velvet Glove	Lower

#### D. LITERATURE REVIEW

The literature review examines combating gang violence in El Salvador, the influences that shaped these policies throughout Latin America and the United States, and their results in decreasing lawlessness throughout the region. Prior to delving into the past policies of *Mano Dura*, *Super Mano Dura*, the Gang Truce, and *El Salvador Seguro*, it is important to know how the post-Salvadoran civil war climate and the immigrant gang

<sup>8</sup> Gerring, *Social Science Methodology*, 209–210.

<sup>9</sup> *Ibid.*, 211.

members deported from the United States created a public security problem in El Salvador.

### **1. Origin of Gang Violence during Political Transition**

Gang violence is not new in El Salvador nor is it the only country that must deal with the issue of gangs. There are other countries throughout Central and South America, as well as the United States that have to deal with this issue. Enrique Arias compares gangs from other countries in Latin America and the Caribbean,<sup>10</sup> and reviews the factors from a historical, political, and social aspect. He examines the parallels with a detailed, historical analysis of how state systems contribute to the existence of criminal gangs. Arias argues that different political systems establish different forms of policies to address criminal organizations and that interaction from the state shapes the success or failure to control the violence by these criminal organizations. The existence of gangs and powerful criminal organizations reflects a failure of the state as a function of history, state structure, and implemented policies.

The state's response in preventing the gangs from carrying out their illegal activities was slow to begin with, as the country was normalizing and transitioning to peace after more than a decade of civil war. José Miguel Cruz, Rafael Fernandez de Castro, and Gema Santamaría Balmaceda argue that the shortcomings of the country's political transition laid the groundwork for later state responses, which aggravated the gang problem.<sup>11</sup> They discuss the effect that the state's role had on the increasing gang violence and its link to the security institutions. The authoritarian legacy left by those security forces that had previous experience on the government's side during a brutal regime carried over after demobilization. The actions of these brutal regimes affected the legitimacy of public security and the enforcement of the law.

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<sup>10</sup> Enrique D. Arias, "State Power & Central American *Maras*: A Cross-National Comparison," in *Maras: Gang Violence and Security in Central America*, eds. Thomas Bruneau, Lucia Dammert, and Elizabeth Skinner (Austin, TX: University of Texas Press, 2011), 135.

<sup>11</sup> José M. Cruz, Rafael F. de Castro, and Gema S. Balmaceda, "Political Transition, Social Violence, and Gangs: Cases in Central America and Mexico," in *In The Wake of War: Democratization and Internal Armed Conflict in Latin America*, ed. Cynthia J. Arnson, (Washington, DC: Woodrow Wilson Center Press, 2012), 318.



Gang violence is the leading cause of homicides in El Salvador and requires a state-wide response to combat. There are authors who debate that gang violence alone leads to murders and rapes in the country, and yet others describe the violence as a direct reflection of the state's reaction to the gangs using authoritarian tactics that result in more violent responses by the gangs. José Miguel Cruz, in "The Impact of Violent Crime on the Political Culture of Latin America: The Special Case of Central America," analyzes the impact of criminal violence by focusing on victimization, insecurity, support for democracy in Latin America, and the degree of democratic consolidation, as well as democratic stability.<sup>12</sup> The author argues that crime erodes Latin American countries' democratic political culture, but the results show that the real effect is on the perception of citizens about the victimization and insecurity through the media and reports. This perception plays an important role in democratic political culture, government performance regarding public security, and contributes to the leverage that governments have in democratic countries. The perception of violence gives these youth gangs their reputation, which allows them to continue to pursue their criminal enterprises knowing that their reputation will precede them and assist in their ability to carry out their illicit business.

The authors identified three factors that reproduced violence in mostly urban areas in El Salvador: Frustrations caused by social and economic hardship; normalization of violence from growing up with it due to the civil war; and the presence of perverse social organizations, with no real effect on the problem. Poverty alone does not cause crime. For instance, Nicaragua is one of the poorest countries in Latin America, which experiences only a fraction of the gang violence that El Salvador endures. Poverty can, however, be an added factor that causes violence. The task of the crime prevention policies is to interrupt these causal elements, create alternatives for youths to express themselves, and create employment.

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<sup>12</sup> José M. Cruz, "The Impact of Violent Crime on the Political Culture of Latin America: The Special Case of Central America," in *Challenges to Democracy in Latin America & the Caribbean: Evidence from the Americas Barometer 2006-07*, ed. Mitchell A. Seligson (Nashville, TN: Vanderbilt University Press, 2008), 219.

## 2. Structural Argument on Gangs in Central America

The Mara Salvatrucha and 18th Street gangs both originated in Southern California. Undocumented immigrants that were found to commit crimes were being deported from the United States after the Illegal Immigration Reform and Immigration Responsibility Act (IIRIRA) of 1996 and resulted in the gangs spreading throughout Central America—a region not equipped or prepared for their arrival. In *Gangs of Central America*, Dennis Rodgers et al. credit the deportation of over 200,000 immigrants back to the isthmus for the increased insecurity in the region, believing that these countries were not prepared for dealing with those criminals adequately.<sup>13</sup> José Luis Rocha reasons that migratory patterns have a strong correlation to the presence of gangs in countries.<sup>14</sup> As a result, Nicaraguan refugees fleeing the civil war were more likely to arrive in Miami alongside Cuban refugees instead of Los Angeles with the other Central American immigrants. Nicaragua avoided the after-effect of deported gang members and gang culture back to Nicaragua as occurred in the Northern Triangle countries, which have the highest number of gang members deported from the Los Angeles area.

Savenije and van der Borgh argue that street gangs get the majority of the media attention for the rise in criminal violence.<sup>15</sup> Sonja Wolf, a researcher on gang violence in Latin America, also argues that the media, for political reasons, broadcasts that the gangs are considered the main reason for insecurity in the country. Borgh's structural argument gives credit to the drug trade for funding and fueling the increased violence along with extortions and kidnappings.<sup>16</sup> He argues that the violence should be analyzed in the context of major categories, which include social exclusion, violent culture, rapid

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<sup>13</sup> Dennis Rodgers, Robert Mugga, and Chris Stevenson, *Gangs of Central America: Causes, Costs, and Interventions* (Geneva, Switzerland: Small Arms Survey, 2009), 7.

<sup>14</sup> José L. Rocha, "Street Gangs of Nicaragua," in *Maras: Gang Violence and Security in Central America*, eds. Thomas Bruenau, Lucia Dammert, and Elizabeth Skinner (Austin, TX: University of Texas Press, 2011), 108.

<sup>15</sup> Win Savenije and Chris van der Borgh, "Gang Violence in Central America: Comparing Anti-gang approaches and policies," *The Broker—Connecting Worlds of Knowledge*, April 2, 2009, <http://www.thebrokeronline.eu/Articles/Gang-violence-in-Central-America>.

<sup>16</sup> *Ibid.*

urbanization, migration, decentralization, little family structure, and drugs, which are intertwined and difficult to separate.<sup>17</sup> To combat the gangs' proliferation, Central American governments enacted policies to fight their aggression. Unfortunately, the policies have not had the effect that was expected, nor required, to subdue the level of criminal violence in El Salvador. Sonja Wolf argues in "Street Gangs of El Salvador" that the gang problem has become worse over the first decade since the end of the civil war, largely due to the government's delay in responding to the increase in crime.<sup>18</sup> Adding to the delay, the ideological policies imposed by the elites that ran the government in the ARENA Party highlighted issues of ineptness in handling public security.

The authoritarian legacies of the public security sector countered criminal violence with state violence to match the viciousness of the gangs in the attempt to bring order to violent-plagued urban neighborhoods. José Miguel Cruz, in "Criminal Violence and Democratization in Central America: The Survival of the Violent State," argues that public security reforms that were introduced during the political transitions were instrumental in the ability of the new democratic governments to control the violence created by their own institutions, as well as their agents.<sup>19</sup> This article focuses on aspects of the political transition process that allowed for violent entrepreneurs to continue as private security firms with a relationship with democratic governing elites. The private security firms have outnumbered the military and civil police combined.<sup>20</sup> This ensured their survival, and maintained their connections with powerful foreign actors with considerable political influence, usually from the United States. After no official codified policies to address criminal violence, El Salvador's President Flores called on the National Assembly to enact the *Mano Dura* policies.

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<sup>17</sup> Savenije and Van Der Borgh, "Youth Gangs, Social Exclusion," 155.

<sup>18</sup> Sonja Wolf, "Street Gangs of El Salvador." In *Maras: Gang Violence and Security in Central America*, eds. Thomas Bruenau, Lucia Dammert, and Elizabeth Skinner (Austin, TX: University of Texas Press, 2011), 43.

<sup>19</sup> José M. Cruz, "Criminal Violence and Democratization in Central America: The Survival of the Violent State," in *Latin American Politics and Society* 53, no. 4 (2011): 1–33.

<sup>20</sup> Marcela Donadío, ed., *Índice de Seguridad Pública: Centroamérica: Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, Panamá* (Buenos Aires, Argentina: Red de Seguridad y Defensa de América Latina, 2013): 65.

### 3. The Iron Hand Approach—*Mano Dura* and *Super Mano Dura*

In the Northern Triangle, the policy of choice to address the spread of violence and gang proliferation has been the heavy-handed approach that began with the *Mano Dura* policies. *Mano Dura* policies were the anti-gang measures that were enacted by the Flores administration in 2003. The subsequent Saca administration in 2004 followed through with the *Super Mano Dura* policies that were more ruthless. The Saca administration mostly focused on profiling anyone who may be gang affiliated and imprisoned these affiliates as well as any gang members. Sonja Wolf claims that the *Super Mano Dura* policies implemented in El Salvador were not only bad, but spectacularly ineffective.<sup>21</sup> Despite the security focus on incarcerating and imprisoning youths that appeared to be gang members, the homicide rate escalated. Gangs avoided apprehension by adapting to the repression. The gangs adapted through tougher initiations and changing their appearances by moving away from requiring tattoos that signified a member's allegiance, and using higher caliber weapons. The confinement in special prisons allowed gang members of different levels of experience to bond, increase cohesion among their gang, learn from more seasoned gang veterans, and establish a structure that would not have been attainable as quickly if it were not for the high level of apprehensions. The increased incarcerations also inadvertently led to an increase in extortions, especially in the transportation sector, by gang members and their families to support the prisoners because it was the family's responsibility—not the state's—to ensure that basic needs were met for each prisoner.

The results of *Super Mano Dura* fail to fulfill the intent of the policies when they are first initiated by the Salvadoran government. Dr. Mo Hume, senior lecturer at the School of Social Sciences at the University of Glasgow, Scotland, argues in “Mano Dura: El Salvador Responds to Gangs,” that the *Super Mano Dura* strategy employed by the Salvadoran government serves to reveal how fragile the democratic consolidation actually is, exposing the authoritarian legacy that remains a large part of political life in

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<sup>21</sup> Sonja Wolf, *Mano Dura: Gang Suppression in El Salvador*. Sustainable Security, last modified March 2011, <http://sustainablesecurity.org/article/mano-dura-gang-sppression-el-salvador>.

El Salvador after the political transition from civil war to peace.<sup>22</sup> Hume goes on to describe the government’s *Super Mano Dura* policies and approach through its heavy-handed tactics to decrease gang chaos, with few positive results. Though the theory that getting gang members off the streets would decrease crime, since there would be fewer gangsters around to commit crimes, the rehabilitation portion should have been established while incarcerated to convert criminals into functioning members of society. Rehabilitation was not a focus of the jails, and as a result, prisons became finishing schools for young criminals. These young petty criminals go back out into society, better trained and with a larger criminal network to operate in, creating more crime. Mark Ungar argues that *Super Mano Dura* is a result of promising reforms that are hindered at the political, legal, and functional levels. As a result, community policing is required to overcome those obstacles at every level in order to fulfill the reforms.<sup>23</sup> Table 2 represents the reported statistics on homicides in El Salvador during the *Super Mano Dura* era.

Table 2. Homicide Rates during *Super Mano Dura* (2003–2011).<sup>24</sup>

<b>VIOLENT CRIME STATISTICS (PER 100,000 PEOPLE)</b>									
	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>
<b>Homicide</b>	36.4	45.8	62.2	64.4	57.1	51.7	70.9	64.1	69.9

#### 4. The Gang Truce

Despite the efforts of the El Salvadoran governments that enacted the *Mano Dura* and *Super Mano Dura* policies, the data on homicides in Table 2 demonstrated that these policies were just not working to decrease homicide rates. As a result, a gang truce was initiated. The gang truce was organized unofficially by David Munguía Payés, a retired

<sup>22</sup>Mo Hume, “*Mano Dura*: El Salvador Responds to Gangs,” *Development in Practice* 17, no. 6 (November 2007): 739.

<sup>23</sup> Mark Ungar, “La Mano Dura: Current Dilemmas in Latin American Police Reform,” in *Criminality, Public Security, and the Challenge to Democracy in Latin America*, eds. Marcelo Bergman and Laurence Whitehead, (Notre Dame, IN: Notre Dame Press, 2009), 93.

<sup>24</sup> United Nations Office of Drug and Crime, *Global Study on Homicide 2013: Trends, Contexts, Data* (Vienna, Austria: United Nations, 2013), 126.

general who became Minister of Public Security and Justice as well as Minister of Defense in the Funes administration along with the assistance of members of the church and nongovernment organization representatives.<sup>25</sup> This gang truce did lead to a drop in the homicide rate, but that statistic is misleading as other forms of criminal violence, such as extortions and sexual violence, stayed at high levels. Mabel González Bustelo argues that the gang truce negotiated with the two biggest gangs in El Salvador may have been imperfect and generated controversy from the administration's opposition; however, there are positive lessons that must be learned amid the current growing crisis of violence since the end of the truce.<sup>26</sup> The gang truce did lead to a drop in homicides, but other offenses stayed the same or increased, which were masked by the much publicized homicide rates. The results worsened citizens' perception of an ineffective government response. The effect of the truce was not enough to persuade the incoming administration, the second consecutive leftist Farabundo Marti Liberation Front (FMLN) Party representative, to further pursue the truce.

## **5. Institutional Arguments—*El Salvador Seguro***

After taking office on June 1, 2014, President Salvador Sánchez Cerén faced several challenges to include corruption, stagnant economic growth, and the need for tax reform. Sonja Wolf argues that Cerén's agenda should revolve around strengthening institutions.<sup>27</sup> That would in turn protect businesses from being extorted. She argues that Cerén should also build investigative capacity to enhance the criminal justice system; modernize prisons to improve management and rehabilitation; garner elite support to push forward post-war institutional reforms that strengthen state agencies to respond to

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<sup>25</sup> Clare R. Seelke, *El Salvador: Background and U.S. Relations*, (CRS Report No. R43616) (Washington, DC: Congressional Research Service, 2015), 9, [http://digital.library.unt.edu/ark:/67531/metadc689184/m1/1/high\\_res\\_d/R43616\\_2015May19.pdf](http://digital.library.unt.edu/ark:/67531/metadc689184/m1/1/high_res_d/R43616_2015May19.pdf).

<sup>26</sup> Mabel G. Bustelo, "El Salvador's Gang Truce: A Lost Opportunity?" *Sustainable Security*, last accessed May 30, 2015, <http://sustainablesecurity.org/2015/05/20/el-salvador-gang-truce-a-lost-opportunity/>.

<sup>27</sup> Sonja Wolf, "The Security Agenda for El Salvador's New President," *Security Sector Reform Resource Centre*, July 2, 2014, <http://www.ssrresourcecentre.org/2014/07/02/the-security-agenda-for-el-salvadors-new-president/>, 2–3.

the needs of its citizens; that support a culture of prevention, and move beyond violence inherited from an authoritarian legacy.

## **E. BACKGROUND**

El Salvador's gang violence became its most immediate security concern, as the country and the rest of the Northern Triangle countries of Honduras and Guatemala dealt with the internal issue with criminal organizations or gangs since the mid-1990s. Upon his election as El Salvador's president, Salvador Sánchez Cerén (2014-present) convened the CNSCC, a council made up from several sectors of society including the government, the church, private businesses, and grassroots organizers, tasking them with developing a societal solution to criminal violence as a result of gang activities. In January 2015, President Cerén presented to the public, the CNSCC's results as the 124-point *El Salvador Seguro* ("Safe El Salvador") Plan. It is an ambitious five-year plan that would be carried out in the country's 50 most violent municipalities and in prisons. These are the municipalities where the country's biggest gangs—Mara Salvatrucha (MS-13), and Calle 18 (18th Street)—have proliferated over the last 20 years. The new plan seeks to curb the violence in the country that has not been diminished by the previous plans of *Mano Dura* (Iron Hand), *Super Mano Dura* (Super Iron Hand), and the Gang Truce of 2012. What were the previous administrations' *Super Mano Dura* policies, and why didn't violent crime decrease in El Salvador?

El Salvador's significant gang problem is produced mostly by its the two largest criminal organizations—Mara Salvatrucha and 18th Street. These organizations have a long reach—not only in El Salvador, but throughout Central and North America as well. These criminal gangs either have connections in the United States or emigrate from El Salvador and operate drug trafficking, arms trafficking, and human trafficking enterprises. The policies that deal with this menace have a direct effect on the United States due to the transnational nature of the criminal networks. If the situation in El Salvador does not improve and youth gangs are not encouraged to rehabilitate and reintegrate into civil society, then citizens are likely to flee the crisis brought on by these criminal organizations. The state's failure to improve the security situation may lead to

more migrations away from El Salvador, most likely to the United States through Guatemala and Mexico.

Scholarly work about the gang problem in Central America that addresses it as a security risk is relatively new. Dr. Thomas Bruneau, a Distinguished Professor Emeritus of National Security Affairs at the Naval Postgraduate School and editor of *Maras: Gang Violence and Security in Central America*, defines what *maras* and gangs are and the security risk they have become in the region. He discusses the birth of the gang Mara Salvatrucha in Los Angeles, made up of Salvadoran immigrants who were refugees from war-torn El Salvador.<sup>28</sup> He states that unlike the United States, the weak, postauthoritative governments in Central America of Guatemala, Honduras, and El Salvador lacked crime prevention policies to prevent gang proliferation. *Maras* explains in detail the problems that originated with the rivalry of the gangs in Los Angeles. The gang MS-13 formed to defend themselves from the more established 18th Street gang members that were primarily of Mexican descent, yet the irony in that is that Salvadoran immigrants also joined 18th Street, and as they were deported they took their gang culture and rivalries with them which added to the gang violence in El Salvador. A cultural tolerance for violence allowed these gangs to commit criminal violence as a mode of operation in El Salvador, Guatemala, and Honduras, known as the Northern Triangle of Central America, which challenges these states' ability to govern.

Al Valdez, a professor on gang sociology and psychology at the University of California in Irvine, discusses the origins and evolution of youth gangs in Southern California—the epicenter for the proliferation of the gangs to Central America.<sup>29</sup> Valdez argues that the growing role of drugs in gang culture affects every level of society, from the local street level where they are sold on the corners, to the international stage where trafficking is supported by the Mexican cartels. This globalization of gang activity was a

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<sup>28</sup>Thomas Bruneau, "Introduction," in *Maras: Gang Violence and Security in Central America*, eds. Thomas Bruneau, Lucia Dammert, and Elizabeth Skinner (Austin, TX: University of Texas Press, 2011), 23.

<sup>29</sup> Al Valdez, "The Origins of Southern California Latino Gangs," in *Maras: Gang Violence and Security in Central America*, eds. Thomas Bruneau, Lucia Dammert, and Elizabeth Skinner, (Austin, TX: University of Texas Press, 2011), 23.



consequence of both law enforcement practices and a criminal enterprise taking advantage of the illegal market for this contraband. The various pressures from peers to commit crimes, from society to be ostracized, and the law pressuring them to be seen as criminals shaped the current gang culture and its evolution into the conglomerate of transnational trafficking in arms, drugs, and humans throughout the Western Hemisphere.

The U.S. Government Accountability Office (GAO) report on Central America found that the most commonly identified reason for immigrants leaving El Salvador, Guatemala, and Honduras is crime and violence.<sup>30</sup> The GAO report on Unaccompanied Children estimates that more than 50,000 unaccompanied minors were detained at the U.S. southern border in 2014. The research question analyzes the previous policies dealing with El Salvadoran gang activity that sprouted from those Los Angeles streets and the prospect for success of the government's new policies in deterring criminal violence and improving the public security situation. The United States appropriated \$803 million between 2008 and 2011 through the Central American Regional Security Initiative (CARSI) alone to address security concerns and develop collaborative partnerships in the region.<sup>31</sup> More recently, covering the period from fiscal year 2008 through fiscal year 2013, the GAO found that U.S. agencies allocated over \$1.2 billion to support both CARSI and non-CARSI funding that supported achieving CARSI goals.<sup>32</sup>

With the amount of aid that goes to Central American countries, it is important to know that these countries have a plan to allocate these funds responsibly to improve the security situation; thus preventing a crisis that would undoubtedly become a further burden to the United States. Policies that were enacted in the past failed due to several

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<sup>30</sup> David Gootnick, "U.S. GAO—Central America: Information on Migration of Unaccompanied Children from El Salvador, Guatemala, and Honduras." Government Accountability Office, (Washington, DC: United States Government Accountability Office, 2015), 4. <http://www.gao.gov/products/GAO-15-362>.

<sup>31</sup> Peter J. Meyer and Clare R. Seelke, *Central America Regional Security Initiative: Background and Policy Issues for Congress*, (CRS Report No. R41731) (Washington, DC: Congressional Research Service, 2011), 82.

<sup>32</sup> Charles M. Johnson, *Central America: U.S. Agencies Considered Various Factors in Funding Security Activities, but Need to Assess Progress in Achieving Interagency Objectives* (GAO Report No. GAO-13-771). (Washington, DC: United States Government Accountability Office, 2013), 9. <http://www.gao.gov/assets/660/658145.pdf>.

factors, including authoritarian legacy practices from public security forces. The political pressures during the electoral seasons added to the failure to promote social portions of those policies and only focused on the apprehension and imprisonment aspect of *Super Mano Dura*. Will renewed focus and proper financial appropriation of proposed policies in the \$2.1 billion *El Salvador Seguro* Plan improve the security situation and decrease violence?

## **F. THESIS OVERVIEW**

To evaluate whether *El Salvador Seguro* can succeed in decreasing crime compared to *Mano Dura* and *Super Mano Dura*, this thesis will first determine what the statistical levels of criminal violence were from 2003 to 2014 under *Super Mano Dura* and how softer approaches to crime have fared under similar circumstances. I will show the rise in homicide rate after the implementation of *Super Mano Dura*, and then I will compare other forms of violent crime other than homicides when the drop in the homicide rate during the Gang Truce masks the consistent levels of the other forms of crime. I will then examine the first year of *El Salvador Seguro*'s implementation and compare the approaches to each of these policies as well as the statistics, determining which course of action would be best to decrease violent crime El Salvador. This thesis will review primary sources such as the Congressional Research Service (CRS), reports from the GAO, and the United Nations Office on Drugs and Crime (UNODC) reports on El Salvador, and secondary sources from experts who have studied the gangs and use their views on society's perception of criminal violence to set a baseline by which this thesis will establish a hypothesis on whether the situation will improve or not. This thesis will then discuss how these policies differ from each other and which similarities should be focused on to have the greatest effect in civil society and bring about positive change. The aim is to break down the past policies to establish what is required for a brighter future, and the likelihood of it.

The thesis consists of five chapters. Chapter II describes the conditions that allowed the rise of criminal violence committed by the young gangs and the state response of implementing repressive, authoritative policies during the ARENA

administrations. Chapter III analyzes the Gang Truce of 2012, as it is a brief period with results that seemed to lower homicides, but not crime overall, and the phase prior to implementation of the Safe El Salvador Plan, or Plan *El Salvador Seguro*. Chapter IV describes Plan *El Salvador Seguro* in detail; a 124-point policy plan to combat criminal violence using more societal aspects and downplaying authoritative habits from previous administrations, including funding and the sources of appropriations for the estimated \$2.1 billion strategy. Chapter V will conclude by comparing the differences and similarities between *Super Mano Dura* and *El Salvador Seguro*, explaining the hypothesis about the expected results of the new emphasis on societal issues in *El Salvador Seguro*, and the crime statistics comparing the first year of each plan in order to project whether the shift is a positive or negative step in protecting civil society from the ills of these transnational criminal networks and the instability that they cause.

## II. EL SALVADOR'S GANGS AND *MANO DURA* POLICIES

The rise of youth gangs is the biggest security risk facing the El Salvador since the end of their civil war. Although the existence of gangs in El Salvador is documented as far back as the 1960s, gang activity rapidly increased in the 1990s through the present day.<sup>33</sup> The gangs developed but went unnoticed by the government as a result of the security vacuum that existed after the peace treaties were signed in 1993.<sup>34</sup> The Peace Accords may have ended hostilities between the military government and the guerrillas, but it marked the beginning of rising domestic threat to civil society from gangs. Due to the relative speed in calming hostilities after the civil war, it led to transitioning the insurgent communist group FMLN into a legitimate political party, the Salvadoran peace process has been viewed as a relative success in the way it ended the civil war and curbed political violence.<sup>35</sup>

In the aftermath of the civil war, there were a lot of war-weary youths that were numb to the violence that surrounded them for more than a dozen years. The rise in insecurity is attributed to the lack of attention given to the root causes of violent crime that these youths had to deal with in unemployment, social exclusion, and poverty with no prospects for alternative lifestyles presented at the outset of the peace.<sup>36</sup> To add to the environment of these impoverished youths there were gangsters being imported from the United States. These criminals offered an attractive way of life that involved camaraderie and fast ways of making money, albeit illegally. The Peace Accords of Cojutepeque in 1992 built new institutions but did not go far enough to build back up Salvadoran society. As a result, few jobs were available, which affected the poorer population the most

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<sup>33</sup> Wolf, *Mano Dura: Gang Suppression in El Salvador*, 1.

<sup>34</sup> Savenije and Van Der Borgh, "Youth Gangs, Social Exclusion," 155.

<sup>35</sup> Washington Office on Latin America, "Central American Gang-Related Asylum Guide: Gangs in El Salvador," *Central American Gang-Related Asylum Guide*. Washington Office on Latin America (Washington, DC: Washington Office on Latin America, 2008), 1, [http://www.wola.org/publications/central\\_american\\_gang\\_related\\_asylum\\_guide](http://www.wola.org/publications/central_american_gang_related_asylum_guide).

<sup>36</sup> *Ibid.*

during the transition period.<sup>37</sup> Poor integration of the guerrillas into all ranks of the police highlighted a lack of civil control at the strategic level. As a result, there was an influx of expatriated criminals, a culture of violence bred from over a decade of youths witnessing the atrocities of war. The quickest route out of poverty for more and more young Salvadoran citizens seemed to be crime.<sup>38</sup>

In the same spirit of a quick fix, the Salvadoran government began to acknowledge the problem of the gangs on the street and the rising criminal violence in the streets of the capital. In 2003, President Flores implemented the *Mano Dura* policies, based on a strategy used in urban populations in the United States. This chapter argues that during the ARENA Party administrations, these policies were not successful in decreasing violent crime, caused more harm than good by its focus on using harsh tactics by security forces that threatened the rule of law, did not address key social aspects in its attempt at decreasing crime, and needed to be replaced by other policies that would address the issues of the root social causes in the first place. This chapter will also describe the origins of the *Mano Dura* policies, the root causes that drove the Flores administration to implement these policies, and which of those root causes were actually addressed by the actions of the Salvadoran security forces.

## **A. POST-CIVIL WAR PERIOD**

### **1. El Salvador's Stalemate, Peace, and Political Transition**

El Salvador experienced a civil war from the late 1970s until the United Nations brokered a deal, which ended the stalemate between the ARENA-led authoritarian government and the insurgents. When the Peace Accords were finalized in 1992, it signified the end of over a dozen years of conflict in this small, but populous, Central American country. The Peace accords would cause ripple effects for decades to come. For over 12 years, a whole generation of youth had been surrounded by the violence of war and had witnessed gruesome acts done by both sides to influence the tide of the war.

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<sup>37</sup> Bruneau, "Introduction," in *Maras: Gang Violence*, 11.

<sup>38</sup> José M. Cruz, "Government Responses and the Dark Side of Gang Suppression in Central America," in *Maras: Gang Violence and Security in Central America*, eds. Thomas Bruneau, Lucia Dammert, and Elizabeth Skinner (Austin, TX: University of Texas, 2011), 139.

The conflict was marred by hundreds of human rights violations and an estimated 70,000 deaths.<sup>39</sup> The political transition would require the full attention of the domestic and international community in order to make it a success, leading to a security vacuum in dealing with other aspects of civil society, namely a crime rate that was on the rise. With the reshuffling of the military and police forces to accommodate the integration of guerrilla forces into their ranks, the focus was more on these forces than it was on the populace. All this would come to a head from the mid-1990s to the present.

## **2. The Rise of Violent Crime in El Salvador**

Just as significant were the millions of refugees that fled the violence, most of whom headed north through Guatemala toward either Mexico, the United States, or beyond, in search for a better way of life.<sup>40</sup> Among the refugees were children that were affected immensely by the deteriorating situation in their home country, absorbing the brutal nature of the war. The tactics witnessed would be repeated by some of them in the future, showcasing their viciousness in the crimes committed by some who would commit felonies in the United States. These juveniles would end up joining gangs for a myriad of reasons and would eventually end up being deported by the United States in the mid-1990s, both for their crimes and their status as undocumented citizens. As they were removed from the United States, these *pandilleros*, or gangsters, would export their brand of *maras* along with them and allowing their criminal undertakings to proliferate throughout El Salvador and the rest of Central America.

The United States has “over 1.9 million misplaced Salvadorians migrants.”<sup>41</sup> Most of them would reach the western shores of California and many would plant roots in Los Angeles in the 1980s. They would end up establishing themselves in some of the poorest neighborhoods, looking for affordable housing since these refugees would arrive with little or no money. This was particularly true if the immigrants had to pay someone to get them across Mexico and into the United States. There are several problems that

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<sup>39</sup> Seelke, *El Salvador: Background and U.S. Relations*, 1.

<sup>40</sup> Washington Office on Latin America, “Gangs in El Salvador,” 1.

<sup>41</sup> Seelke, *El Salvador: Background and U.S. Relations*, 14.

families had to overcome while living in impoverished neighborhoods. There were a lot of obstacles that faced these immigrants that escaped their war-torn country to enter a new land. The United States had not traditionally been so welcoming to new diasporas perceived to be attempting to take opportunities away from those already settled there. Whether due to employment, education, or social acceptance, these refugees had to find ways to assimilate into their new country and solve these challenges for the betterment of their lives and those of their families. Employment consist of long hours for adults, and schooling for their children would prove difficult without the guidance of a senior that understood the struggles they were going through in trying to fit into their new surroundings. Influence from peers would prove to be a major factor in shaping how they would adapt to their new surroundings, more so than the parents that sacrificed everything to get their young children into the country. A number of these impressionable youth would end up wasting their parents' sacrifice and would fall prey to the distractions that are ever present on the streets in the form of gangs, or *maras*.

***a. 18th Street Gang and the Mara Salvatrucha in Los Angeles***

Gangs in Los Angeles that existed prior to the mass exodus of refugees from El Salvador, such as the 18th Street gang, would recruit these new youth into the neighborhood and indoctrinate them into a life of crime. As one of the older, Chicano groups made up of Latinos of Mexican descent, 18th Street would recruit Salvadoran youngsters early on as a way of building their gangs and protecting each other from other gangs of other ethnicities that would have been hostile to the Salvadorans; mistaking them for Mexicans without bothering to find out the difference.<sup>42</sup> As gangsters, they harassed other youths, especially some of the other immigrant youngsters that may not have been affiliated with a gang. The harassment of Salvadorans by the predominately Mexican gangs created animosity between these two national groups living as neighbors in inner-city Los Angeles communities. These youngsters would then band together and create their own gang, known as the *Mara Salvatrucha*, or MS-13.

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<sup>42</sup> Valdez, "Origins of Southern California Latino Gangs," 24.

From the beginning, these two gangs have been rivals. While 18th Street was the more established gang in Los Angeles, the growing number of Salvadoran refugees meant that there would also be a growing number of children among these refugees, which were the main recruits for MS-13. This rivalry would lead 18th Street to recruit more Salvadoran immigrants, as these two would grow to a size that made them formidable and difficult to ignore as the two fastest-growing gangs in Los Angeles. Gangs would commit acts of crime in order to raise funds for their members and continue to pursue other illicit activities, such as buying and selling narcotics, guns, and contraband of various kinds. These enterprising entities would compete for territory to further their own dealings that would benefit their individual practices, leading to bloody, sometimes deadly, confrontations. As these gang members were arrested for their crimes, the felonies that they were found to have committed would expose that they were undocumented immigrants to the United States. When found to not be a U.S. citizen, these felons would be deported back to their birth country.

***b. Criminal Deportation from the United States***

They would garner attention not just from law enforcement, but from Congress and the Immigration and Naturalization Service (INS) as well.<sup>43</sup> In 1996, Congress passed the IIRIRA that authorized mass deportations of undocumented immigrants with criminal convictions.<sup>44</sup> The U.S. government began to increase the number of these refugees that were expelled back to El Salvador if they were determined to have criminal records. As reported by the INS in 1997, the United States deported 2,734 of these undocumented immigrants back to El Salvador.<sup>45</sup> The following year, the United States deported 3,865, of which 1,538 were known to be criminals, but the government of El Salvador was still dealing with the political transition and was not prepared to handle the influx of these criminals being flown in from the United States. The deportees—despite

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<sup>43</sup> Seelke, *El Salvador: Background and U.S. Relations*, 15.

<sup>44</sup> *Ibid.*

<sup>45</sup> United States Immigration and Naturalization Service, Office of Immigration Statistics, *Statistical Yearbook of the Immigration and Naturalization Service 1996* (Washington, DC: United States Government Printing Office, 1997), 171.



being born in El Salvador—knew nothing of the country, since most had fled with their families when they were very young.<sup>46</sup> As these criminals were deported, they were very much involved in their gang life and the ways of the *maras*, which they exported with them to Central America that may have had some gang activity in the past, but not at the level that was being imported from the United States. The customs, clothes, and guidelines that they took with them to El Salvador and other Central American countries were seen as attractive to the youth in these South American countries. The increase in gang members from the United States made for fertile recruiting grounds to help build the MS-13 and 18th Street brand on the streets of their new neighborhoods in El Salvador.

*c. Proliferation*

Mara Salvatrucha and the 18th Street gang, or Barrio 18, would proliferate and develop networks in El Salvador and the United States due to being deported.<sup>47</sup> The combination of youth that were raised in the middle of the civil war and those that survived the hardship of fleeing to the United States, but ended up being deported back to El Salvador would prove to be difficult to handle for Salvadoran society in the mid-1990s. These growing gangs would be the main antagonists to the rise of violence by gang members in El Salvador, which would ultimately resemble those gangs in Los Angeles. The spread of these gangs would affect other countries in Central America besides El Salvador, as gang membership would reach over 10,000 in each of the Northern Triangle countries of Guatemala, Honduras, and El Salvador. These gangs would continue to grow their operations as well, participating in the drug trade, as well as human trafficking, and would develop beyond first-generation gangs and well into second-generation, tight-knit organizations, even exemplifying third-generation characteristics.

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<sup>46</sup> United States Immigration and Naturalization Service, *Statistical Yearbook*, 167.

<sup>47</sup> Celinda Franco, *The MS 13 and 18th Street Gangs: Emerging Transnational Gang Threats?* (CRS Report No. RL34233) (Washington, DC: Congressional Research Service, 2008), 3, <https://www.fas.org/sgp/crs/row/RL34233.pdf>.

## **B. THE CREATION AND IMPLEMENTATION OF *MANO DURA* POLICIES**

The *Mano Dura* policies were a version of other tough-on-crime policies outside of El Salvador. The policy, first described as the “broken windows” policy, was based on an article by Dr. Geoure L. Kelling and Dr. James Q. Wilson, “Broken Windows: The Police and Neighborhood Safety,” in *The Atlantic* magazine in 1982.<sup>48</sup> The authors described their findings in the difference between neighborhoods with police on foot patrols and those with police officers in motor vehicles; how the perception of safety led to a perceived increase in public safety; and, ultimately, led to a decrease in crime in the neighborhoods with foot patrols.<sup>49</sup> These police officers, with their presence alone, would change the perception of the citizens of the community, even if their presence did not have a direct effect on the actual level of crime on the street. The fear stemming from not having a calming presence on the Street made citizens believe that they did not live in a safe neighborhood; yet, even in communities riddled with crime, citizens felt safer when police foot patrols were conducted. These officers would ensure that minor infractions were dealt with and that regular citizens knew as much so they would be willing participants as either witnesses or sources of information on possible infractions.

In New York, this policy of foot patrols was implemented by then Police Commissioner William Bratton and Mayor Rudolph Giuliani in the 1990s to combat the high levels of violent crime at the beginning of their administration, and the results had been viewed as controversial, yet successful. They were first put into effect in the United States, in Los Angeles and New York, to combat the growing violent crime that had riddled those cities for years and resulted in decreased levels of violent crime since their inception. Essentially, it involved dealing with perpetrators of any small infraction in a quick and harsh manner. Whether it was dealing with jaywalkers or graffiti artists, the point was to make an example of these law breakers to discourage others from following suit and, in the process, either build cases on those guilty of minor infractions to track them as the years go by or arrest criminals that have warrants out that would not

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<sup>48</sup> Kelling and Wilson, “Broken Windows,” 1.

<sup>49</sup> Ibid.

have been found otherwise.<sup>50</sup> Researchers have argued that this is not the case and that the drop in crime was following a national trend attributed to an economic boom in the decade after the end of the Cold War. Although this new policing effort may have contributed somewhat to the dramatic decline of crime in New York compared to the rest of the country, there is no agreed upon sole reason why it happened.

### **1. Mano Dura to Super Mano Dura**

The government of El Salvador had to do something about the proliferation of the *maras*. The ARENA Party had maintained its hold on the presidency since the end of the civil war, while the level of violent crime rose. Due to the rise in violence, some argued that the party had to give the impression of being tough on crime to maintain the presidency in the election of 2003. Action was taken to address this concern during the administration of President Francisco Flores, with the subsequent anti-gang laws known as the *Mano Dura* policies.<sup>51</sup> These policies were meant to curb not only violence, but also focus on the societal aspects of it in order to draw vulnerable youths away from a life of crime in exchange for a sense of purpose, of belonging, and toward a life that may contribute to society in a positive way. Unfortunately, the security emphasis took center stage and blunted any effort to appeal to misguided youth, concentrating on incarceration and imprisoning gang members instead, in an attempt to decrease violent crime in the region, while strengthening the reputation of the Iron Hand moniker of the policies. The appearance of the party being tough on crime and the gangs boosted the ARENA cause to maintain the presidency, and Antonio Saca was elected, becoming the fourth straight elected official from the ARENA Party to win the presidency. To continue to earn praise for being tough on crime, President Saca's administration went even further with the anti-gang laws and implemented *Super Mano Dura*. *Super Mano Dura* would have grave results and lead El Salvadoran society to lose its grasp on the rule of law when trying to decrease the level of violent crime in El Salvador. The media played a crucial role in

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<sup>50</sup> Fran T. Malone, *The Rule of Law in Central America: Citizens' Reaction to Crime and Punishment*, (New York: Continuum International Publishing Group, 2012), 61.

<sup>51</sup> Wolf, *Mano Dura: Gang Suppression in El Salvador*, 1.

heaping praise on the new plane, and demonizing gangs in order to push forward the anti-gang agendas of these two presidents.<sup>52</sup>

## 2. The Flores Administration

The *Mano Dura* policies were established as a result of the violent crime that had been on the rise since the end of the civil war and to combat the proliferation of the *maras*. They were the successors to the *Leyes Antimaras*, or antigang laws.<sup>53</sup> Prior to *Mano Dura*, these policies consisted of a patchwork of laws that expired over time, which was all that the government could muster for these anti-*mara* laws, and were only codified to assist the police in their attempts to apprehend gang members.<sup>54</sup> They were a response and the ARENA Party had to show that they were tough on crime to gain political momentum entering an election year. The administration of President Flores put forth the policy change so that the party could appear tough on crime. The effort put forth by the security forces in combating crime by youth gangs is credited with securing the win for the party in the elections. It consisted of area sweeps by security forces that were joint operations between the military and police, and allowed the arrest of gangsters based on their appearance alone.

Known as *Mano Dura*, the translation and literal meaning is “Iron Hand.” These policies were harsh in nature and designed to not only curb violence but also the attraction that crime enjoyed during the decade after the end of the civil war. The thinking behind such harsh policies is that if all the criminals were taken off of the streets then. The ARENA Party, known as the wards of conservative principles in El Salvador, was determined to get tough on crime or risk losing to the FMLN Party in the 2003 election. Their policies rode a wave of populist approval for the ARENA Party, leading to victory for their party’s candidate, Antonio Saca.

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<sup>52</sup> Sonja Wolf, “Creating Folk Devils: Street Gangs and *Mano Dura* in the Salvadoran Media,” in *Mano Dura: The Politics of Gang Control in El Salvador*, ed. Sonja Wolf (Austin, TX: University of Texas Press, 2015), 117.

<sup>53</sup> Wolf, *Mano Dura*, 72.

<sup>54</sup> Wolf, *Mano Dura: Gang Suppression in El Salvador*, 1.

### 3. The Saca Administration and Super Mano Dura

After Antonio Saca won the election, his administration reinforced the *Mano Dura* policies and introduced what was then called the *Super Mano Dura* policies. These regulations would allow the police the opportunity to remove a citizen's rights based on their appearance alone. They would be able to question and incarcerate a suspected gang member based on whether they were dressed like a pandillero or had visible tattoos that would associate them with any of the gangs. This was a gross violation of human rights and hindered the rule of law for juveniles in the name of public security—a gross miscalculation by the Saca government. It did get gang members into a database, but the resources to put them in jail and the wasted man hours to incarcerate without any evidence removed legitimacy from the *Super Mano Dura* policies.

In the years since the policies have been in place, the homicide rate has remained one of the worst in the region.<sup>55</sup> *Super Mano Dura* has required the use of the military to patrol jointly with the police; a gross violation of the Peace Accords in the Chapultepec Agreement and the Salvadoran constitution as well. El Salvadoran presidents have been able to circumvent this requirement by presidential decree, although according to some doing so has only added to illegitimacy of these policies. The added militarization, and the media attention that comes with it, puts the focus on the government's efforts to reduce crime, making it appear to be tough on criminals. In actuality, the policies are in place to protect the Salvadoran elites and maintain the status quo. The fact that the homicide rates and violent crime has not decreased significantly are signs that the government is not doing enough by only focusing on the internal security aspect of dealing with the gangs, and that it needs to find a different approach if they are to actually be successful, or this course of failure will continue well into the next generation.

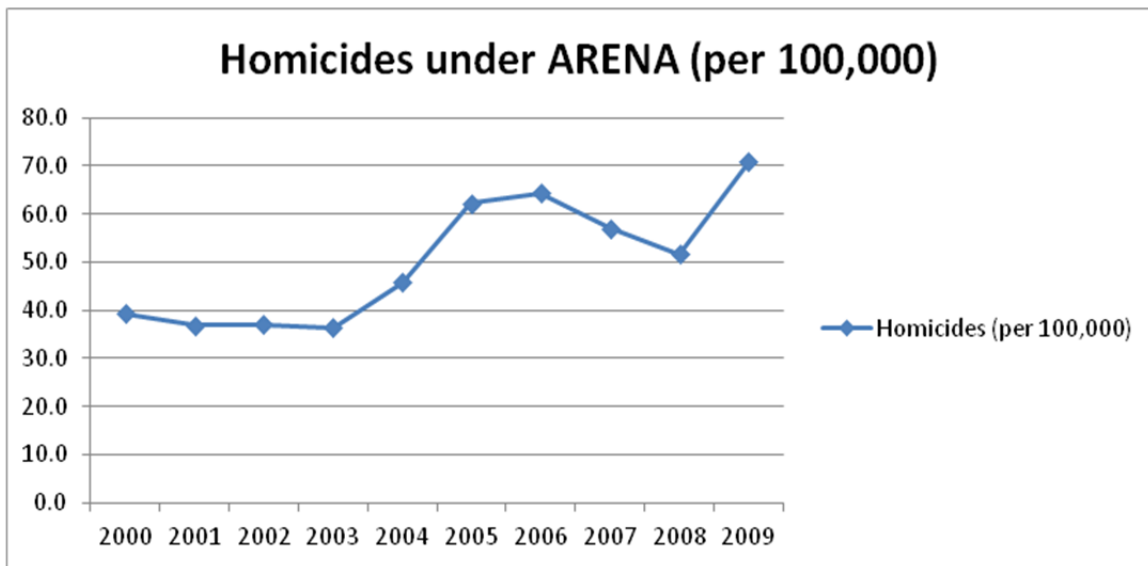
*Super Mano Dura* was more of the same under Antonio Saca's administration. The numbers are compelling, and the gross violations of the rule of law are the legacy that has been inherited by the subsequent administration. *Super Mano Dura* outlawed the mere membership of being in a gang, allowed for the arrest of anyone that appeared to be

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<sup>55</sup> Cruz, et al., "Political Transition, Social Violence, and Gangs," 319.

in a gang, and used superficial evidence to apprehend suspected *pandilleros*, such as tattoos or very loose clothing, which are a common appearance for gang members. The result of the crackdown on the youths was an actual rise in the violent crime rate. Homicides went up, as did extortion by the *maras*, as well as strikes by transportation workers demanding more security from the government to safely run their routes. The violence would spread beyond the country’s borders, too, as violent crime rates would increase throughout the Northern Triangle, the so-called area of North Central America consisting of Honduras, Guatemala, and El Salvador.<sup>56</sup> These three countries are among the world’s five most dangerous countries in terms of homicides per hundred thousand population—a dubious honor to attain. This policy would continue for a decade, and would be suspended at the beginning of what came to be known as the Gang Truce during the presidency of Mauricio Funes, his FMLN successor. Figure 1 demonstrates the rising homicide rate during ARENA party administrations.

Figure 1. Homicide rate during ARENA presidencies (2000–2009).<sup>57</sup>



<sup>56</sup> Cruz, “Government Responses and the Dark Side,” 151.

<sup>57</sup> United Nations Office of Drug and Crime, *Global Study on Homicide 2013: Trends, Contexts, Data*, (Vienna, Austria: United Nations, 2013), 125.

## C. CONCLUSION

The source of the rise in crime in El Salvador after the peace accords were signed were gangs, operating in the security vacuum that became apparent during the political transition. The rise of youth gangs in El Salvador, with the proliferation of these gangs originating in the United States, was not expected by any of the security forces in the Central American region. The reason for the gangs, which were originally from Los Angeles, having a presence in El Salvador was due to the increased deportation of these gang members that were arrested in the United States after the IIRIRA in 1996. These young law breakers, after being arrested and tried, were found to not have any documentation declaring them legal residents or citizens since their arrivals as refugees escaping the vicious civil war as children. Upon arriving in El Salvador, they drew from the young disgruntled population new recruits that would continue their gangbanging ways with those children that had been hardened by the war they survived the previous dozen years. These adolescents were not afforded opportunities of employment or forms of improving their standing in society, and were the ideal candidates to be drawn by the gang life of camaraderie, fast money, and respect out of fear to the irritation of the government and the citizens of the state. The state did not address the root causes that drew thousands towards to identifying with the growing gangs such as low job creation, poor integration of the guerrillas and their families into the state's security forces, and affording opportunities for peasants to escape poverty.

The hypothesis  $H_1$  was that if *Mano Dura* is implemented, then crime will decrease. President Flores' administration introduced the *Mano Dura* policies in 2003 to apprehend the gangsters responsible for the high level of violent crime. These policies were based mostly on the "broken windows" policy of the United States in an effort to create anti-*mara* laws. Though these laws had social aspects written into their policies to address the recruitment of young individuals, the actual practice of the procedures were mostly conducted by security forces focusing on the apprehension and incarceration of suspected gang members. These gang members would be imprisoned for long periods of time in order to keep them off the street, but what it inadvertently did was give the petty criminals time to be mentored by the more senior and hardened criminals, fostering an

environment akin to a finishing school, and releasing this trained product back out into the streets. For all intents and purposes, this shows that  $H_1$  was wrong; therefore,  $H_1$  was tried again with the revised *Mano Dura* in the creation of Saca's *Super Mano Dura*.

The hypothesis  $H_2$  was tested next, in order to reverse the trend and decrease crime. This tactic appeared to be politically driven by the ARENA Party in an effort to give the impression of being tough on crime prior to an election cycle. When the party won the presidency again in elections, the following administration added harsher language to the policies, what came to be known as *Super Mano Dura*. President Saca's tenure and rhetoric led to the decrease of the rule of law in El Salvador, as security forces were allowed to arrest anyone they deemed appeared to look gang affiliated, a gross violation of human rights since suspicion of committing a crime was no longer a requirement for apprehending someone. Despite the crackdown, the crime rate failed to decrease and, in the end, the ARENA Party lost the election in 2009, when the FMLN candidate, Funes, won the presidency for the former guerrilla faction. So once again, that hypothesis with the repressive Iron Hand policies failed to come true, and a new approach seemed to be appropriate with a new administration in power. President Funes would fail to repeal *Super Mano Dura* during his administration, but he looked for alternatives to the policies in an effort to solve the riddle of decreasing violent crime committed by the gangs of El Salvador. This was necessary, as  $H_2$  was also wrong.



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### **III. CRIME PREVENTION POLICY SHIFT DURING FARABUNDO MARTIN LIBERATION FRONT RULE**

The ARENA Party had been in control of the executive branch for 20 years, dating back to the last years of the civil war, but finally lost the presidency to the FMLN Party candidate, Mauricio Funes, in 2009. With a new, Left-leaning party in charge, in contrast to the center-right conservative ARENA Party, the opportunity presented itself for a different approach in combating crime across El Salvador. The question was not could *Super Mano Dura* still work, it was how do they replace the iron hand policies and when? To change or end the *Super Mano Dura* policies, the Funes administration and subsequent Salvador Sánchez Cerén administration, along with the FMLN Party, needed time to gain more seats for a majority in the Legislative Assembly, present statistics to convince Salvadorans and their elected officials that the current policies were not making the differences that they were intended to, and argue that viable alternatives needed to be made to eradicate the heavy-handed policies inherited from the previous administrations. This chapter will describe the how the presidencies of Mauricio Funes and Salvador Sánchez Cerén dealt with the *Super Mano Dura* policies they inherited, the results of these policies on the population in its attempt at curbing violent crime, and the alternatives that were presented, but were not officially implemented to replace *Super Mano Dura* until the second year of Cerén's presidency.

#### **A. FARABUNDO MARTIN LIBERATION FRONT PARTY INHERITED SUPER MANO DURA**

The FMLN Party was formerly created as a result of the Peace Accords that were agreed upon during the United Nations mission in El Salvador, or UNOSAL, in 1992–1993.<sup>58</sup> Prior to the accords, the members of the party were formerly guerrilla insurgents. Their history goes back to 1932, when their namesake, Farabundo Martí, a leader of the peasantry, but recognized only as communists by the government, was murdered and the

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<sup>58</sup> Michael W. Doyle and Nicholas Sambanis, *Making War and Building Peace: United Nations Peace Operations*, (Princeton, NJ: Princeton University Press, 2006), 202.

peasants were massacred by military forces in what is known as *La Matanza*.<sup>59</sup> These peasants would never forget and named their antioppressive movement after Marti during the civil war of the 1980s. The FMLN suffered atrocities at the hands of the military during the civil war, which formed death squads to carry out executions in support of the authoritarian government. These death squads that were formed by the government during the civil war would create mistrust of the military by the Leftists long after the war's end.

After the success of Fidel Castro's revolution in Cuba, there was fear of the proliferation of the communist revolution on the Central American isthmus, and civil wars were fought in Guatemala, Nicaragua, and El Salvador, with mixed results. Thousands of refugees from this struggle would emigrate to escape the atrocities brought on by these conflicts. Most Salvadorans would head north to the United States and some would, in turn, be deported back to El Salvador in the 1990s, as discussed in Chapter II.<sup>60</sup> The end of the Cold War triggered an opportunity for the warring factions of the ruling ARENA party and the FMLN insurgents to meet under a United Nations mission to settle differences since the war had reached a stalemate by 1992.<sup>61</sup> The United States was not formally allowed to mediate, since it was too involved in training and equipping Salvadoran troops during the civil war. During the United Nations mission in El Salvador, six peace agreements were signed between the sides to establish the FMLN as a political party and integrate national police force with members of the guerrillas; yet, socio-economic issues were not properly addressed to prevent the root causes of the violent crime that was becoming more and more present after 1992.

### **1. The First Farabundo Martin Liberation Front President of El Salvador, Mauricio Funes**

The FMLN won the presidential election for the first time in 2009, more than 17 years after laying down their arms to become a political party, with 51.2% of the vote in

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<sup>59</sup> Savenije and Van Der Borgh, "Youth Gangs, Social Exclusion," 157.

<sup>60</sup> Bruneau, "Introduction," 18.

<sup>61</sup> Lise Morje Howard, *UN Peacekeeping in Civil Wars*, (New York: Cambridge University Press, 2007), 98.

the first round, cancelling the need for a run-off. Their candidate was Mauricio Funes, a journalist who had reported on the actions of the government and the military, influencing him to lean to the “left” politically as the war wore on, and sympathizing with the plight of the peasants. Funes was chosen by the FMLN to give them the best chance of winning the election, as he had been well known due to having a popular news show before entering into the electoral arena. His victory gave hope that a different approach to the country’s problems would be addressed from a different perspective than the administrations of the previous 20 years.

Although power was transferred peacefully through democratic election for the first time in the country’s history, ARENA still held the majority in the Legislative Assembly after the 2009 elections. Until 2015, the FMLN failed to gain a majority of the seats in the Legislative Assembly. This required the Funes administration to build coalitions and compromise with the other political parties to govern the country.<sup>62</sup> The lack of political capital to change policies without a mandate was an obstacle that the Funes administration had to address when dealing with the security issue of violent crime, especially with regard to youth gangs. The *Mano Dura* policies that they inherited from the Saca administration continued on without any concrete alternative presented to replace those hard-line policies. Despite statistics showing that violent crime in El Salvador was not in decline and that *Super Mano Dura* was not having the expected effect on decreasing gang crime, the policies stayed in place until 2012, well into the new administration. Moreover, the president had to use more forces than usual in dealing with the security issue, ultimately adding military escorts for patrols with the national police before tacitly moving forward with an unofficial truce between the two biggest gangs in El Salvador.

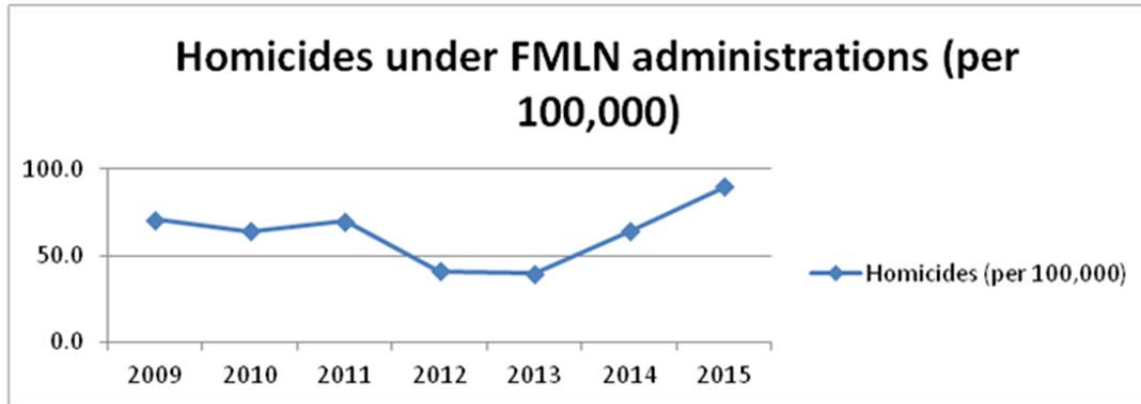
There had been hope that an FMLN presidency would usher in new policies that would be more tolerant, as it was supposedly viewed to have a positive relationship with the gangs; yet, no real alternative was created during the first three years of the FMLN

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<sup>62</sup> Seelke, *El Salvador: Background and U.S. Relations*, 2.

presidency.<sup>63</sup> In December 2010, the Funes administration went so far as to add another 10,000 soldiers to assist the national police on Street patrols to prevent gang violence.<sup>64</sup> Figure 2 notes the homicide right during FMLN administrations, noting the drop in homicides during the Gang Truce years.

Figure 2. Homicides under FMLN Administrations.<sup>65</sup>



The homicide rate was at its peak when the Funes administration entered office in 2009, and the homicide rates would remain high for next couple of years. The situation was so bleak at that point, that officials from the Organization of American States were calling the situation an “undeclared civil war” in El Salvador.<sup>66</sup> Combating violent crime needed a different approach to bring the level of homicides below typical wartime highs. As alternatives were being discussed among those in and out of government, the results dictated a change sooner rather than later to address the gang violence. The Funes administration would not accept the status quo of just letting the *Super Mano Dura* policies go on without a challenge. The president abolished the Youth Secretariat, as it appeared to be a money waster instead of tool to draw children away from the influences

<sup>63</sup> Thomas Bruneau and Lucia Dammert, “Conclusion: The Dilemma of Fighting Gangs in New Democracies,” in *Maras: Gang Violence and Security in Central America*, eds. Thomas Bruneau, Lucia Dammert, and Elizabeth Skinner (Austin, TX: University of Texas, 2011), 217.

<sup>64</sup> Bruneau, “Introduction,” 18.

<sup>65</sup> UNODC, *Global Study on Homicide*, 125.

<sup>66</sup> Wolf, “Street Gangs of El Salvador,” 50.

of gangs.<sup>67</sup> In 2011, Funes considered allowing the United Nations to conduct a criminal investigation against organized crime in El Salvador, following the success of the United Nations International Commission against Impunity in Guatemala (CICIG).<sup>68</sup> With the results of the CICIG finding guilty verdicts for 14 Los Zetas drug cartel members who were operating with impunity prior to the investigation, President Funes hoped to get the United Nations involved in the effort to reign in the high levels of violent crime committed by the youth gangs in El Salvador. Unfortunately, the elites continuously resisted structural changes from the FMLN in combating crime, declaring that the party was often too soft on crime, weakening the social capital of the ruling administration, and preventing them from gaining funds, resources, and expertise established in the country by not allowing any taxes to be passed that would take from the rich to support and implement security measures.

*a. Exploring a Gang Truce*

There was an alternative that was discussed in the form of a truce between the two largest gangs because the *Super Mano Dura* policies failed to accomplish the desired results. This, coupled with the heavy-handed tactics of the *Super Mano Dura*, necessitated a change in strategy to decrease violent crime among Salvadoran society. The Funes administration needed to demonstrate that they were not about to use repressive authoritarian tactics against a sector of citizens of the country, albeit criminal ones, since they were the ones with the history of combating such treatment at the hands of the government 30 years prior, and even long before that, dating back to the *La Matanza*. Although Funes had requested an investigation from the United Nations, there was also an approach made toward finding other means of engaging the gangs in El Salvador. With the help of the Catholic clergy and non-governmental organizations, and with unofficial advisors from the administration, meetings were held with gang leaders that were imprisoned at the time in maximum security prisons. They explored

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<sup>67</sup> Wolf, *Maras*, 61.

<sup>68</sup> United States Senate Caucus on International Narcotics Control, “Responding to Violence in Central America: A Report by the United States Senate Caucus on International Narcotics Control,” (Washington, DC: United States Senate, 2011), 39.

how to move forward by using their leadership and influence, offering favors in return if they could positively move forward with making these goals a reality.

## **B. THE GANG TRUCE**

The Funes administration took office as the homicide rate was at the previously stated peak of 70.9 per 100,000.<sup>69</sup> This homicide rate was at its worst since the last year of the civil war, when it was 138 per 100,000 in 1991.<sup>70</sup> Finding a way to combat crime in a different manner than the *Super Mano Dura* policies would be the best way to address the killings and crime in El Salvador. The administration viewed its options and moved forward with engaging the gangs across a negotiating table. According to reports the government had others who were not officials lead the efforts in reaching out to the imprisoned leaders of the gangs. The hope was by reaching out the gangs, the government could gain a sense of what was possible to achieve with the negotiations. The administration could not get anything through the Assembly without reaching across the aisle, which angered both Funes' FMLN supporters and the right-wing conservatives that thought he was weak on crime. In March 2012, a truce between El Salvador's two largest gangs—Mara Salvatrucha and Barrio 18—was finalized, as members from the church and nongovernmental organizations moderated to try to reduce gang-related crimes and violence.<sup>71</sup> This would be the first of two truces during this administration. Government representatives were unofficially part of the process, so that if, by chance, the truce did not produce desirable results, the administration would not be held responsible for its failure. The truce was a softer approach at addressing the gang violence, moving away from repressive actions and mass incarcerations, and trying to implement social, educational, and job training programs in their stead.<sup>72</sup> Deals were made between the stakeholders, which required trust among these actors that they would hold up their end

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<sup>69</sup> United States Senate Caucus, "Responding to Violence in Central America," 39.

<sup>70</sup> Wolf, "Street Gangs of El Salvador," 43.

<sup>71</sup> José M. Cruz, "The Political Workings of the Funes Administration's Gang Truce in El Salvador," paper presented at the Conference on Improving Citizen Security in Central America: Options for Responding to Youth Violence, Washington, DC: Woodrow Wilson International Center for Scholars, Latin American Program, October 18, 2012.

<sup>72</sup> Steven Dudley, "El Salvador's Gang Truce: Positives and Negatives," *Insight Crime*, June 11, 2013. <http://www.insightcrime.org/investigations/el-salvadors-gang-truce-positives-and-negatives>.

of the bargain. The gang leaders ordered the gangs to reduce the number of killings and, in return, these leaders were transferred to medium-security prisons in order to see their families and be able to interact more easily with the gang members who received the orders.<sup>73</sup>

The Gang Truce was supposed to pave the way for integrating gangsters back into Salvadoran society. There were trial programs that would help former gang members get jobs and learn skills to rejoin the work force, but many times the promised funds from the government to run these programs was withheld or decreased, damaging trust in the government. The fear also rose that the status quo had changed with regard to the youth gangs. It had been determined that the gangs could negotiate as a political entity by using violence as political capital, and by using the decrease in one type of violent crime to mask more activity in another. When comparing homicide rates alone, it would appear that the Gang Truce had a positive effect, reducing murders from 69.9 per 100,000 in 2011, to 41.2 in 2012 and 39.8 in 2013. This decline in the homicide rate had not been seen since the *Super Mano Dura* was introduced, signifying the lowest homicide rates in a decade. If this trend continued, it could be considered a step in the right direction in how to handle the gangs in the near future and make the streets safe again for ordinary citizens. These, however, are not the only numbers that constitute the patterns of violent crime present in Salvadoran society.

Although the homicide rate dropped dramatically, other indicators of violent crime such as assaults, burglary, and extortions, did not follow the same pattern. In each of those cases, there was an increase in activity reported between 2011 and 2013, the year before and after the Gang Truce. This indicates that although the murder rate may have been lowered, it did not help to make citizens feel any safer, as they still suffered from criminal activity. Corners of the conservative parties, law enforcement, and the elites opposed to the truce argued that the homicide rate did not take into account those classified as “disappeared,” which, to many Salvadorans, was considered to be as good as

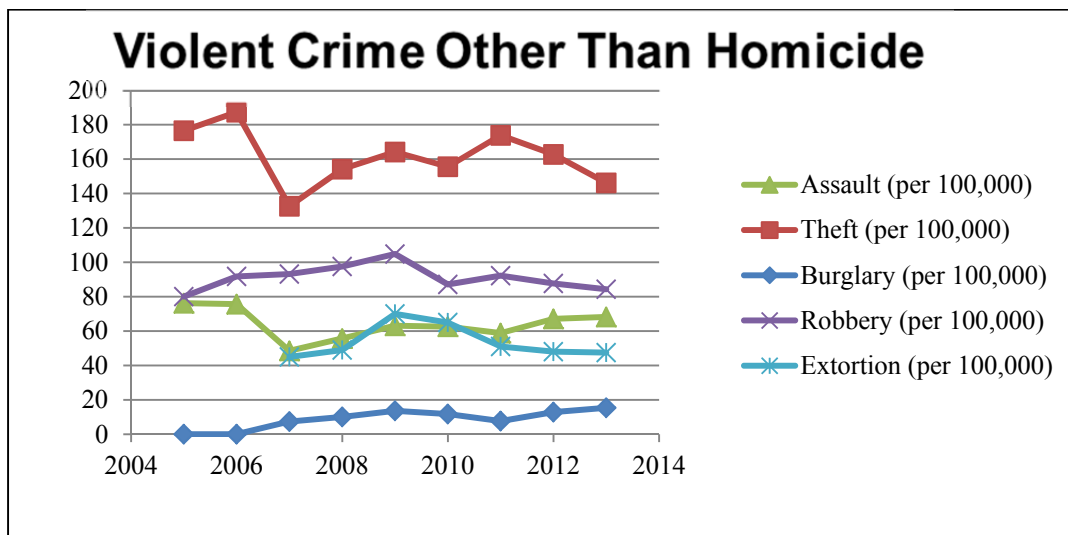
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<sup>73</sup> Ibid.



dead.<sup>74</sup> Also, extortions and other violent crimes traumatized the citizens of the country during the Gang Truce. There was a growing concern about potentially empowering the criminal organizations with legitimacy stemming from government negotiations and truces, seemingly rewarding criminal behavior instead of punishing them for being law breakers.<sup>75</sup> The Gang Truce may have even afforded these gangs the space to be able to better operate their enterprises without interruption. Others argued that the truce brought a reduction in killings and that it was a start for greater change by engaging the *maras*, especially since nothing else had previously worked on any level to curb the gang violence.<sup>76</sup> Outside observers of the process, such as the Organization of American States, saw it in this positive light, as it created the Technical Committee for the Coordination of the Process of Violence Reduction in El Salvador. Figure 3 shows the rates of violent crimes other than homicide, which remain constant though there was a drop in homicides during the Gang Truce.

Figure 3. Violent Crime Other than Homicides (per 100,000).<sup>77</sup>



<sup>74</sup> Mabel G. Bustelo, “El Salvador’s Gang Truce: A Lost Opportunity?” *Sustainable Security*, May 20, 2015. <http://sustainablesecurity.org/2015/05/20/el-salvadors-gang-truce-a-lost-opportunity/>.

<sup>75</sup> Ibid.

<sup>76</sup> Ibid.

<sup>77</sup> UNODC, *Global Study on Homicide 2013*, 126.

The truce between the Mara Salvatrucha and Barrio 18 has been controversial and less than perfect, but there were lessons to be learned from this episode. It showed that if the government played an active role in reaching out to the gangs and agreeing to some mutual terms, that positive results could be had from negotiations. It also proved that these gangs had created political capital from being able to control violence when necessary to show their soft power. It did not sit well with members of the conservative parties, wanting to show that the FMLN was weak against crime and emboldening the gangs to commit more acts of violence by taking advantage of this weakness. When the government tried to cancel the truce, homicides skyrocketed, and the gangs then approached the government in August 2014 to restart the truce, lowering the murder rate as a sign of progress. At this point, Cerén's administration was not willing to negotiate with the gangs, since he did not believe that crime overall was being addressed by the Gang Truce. The reports that discuss the approach to the gang truce being about lowering the murder rate point to the statistics as proof that the truce was successful, but the lack of any broader means of addressing violent crime led leaders of the ruling party to find other ways to move forward beyond the Gang Truce. Alternatives would be the main topic of discussion in combating crime by the subsequent administration, as it shed itself from responsibility of the Gang Truce. The gangs felt betrayed by this switch and would respond in kind when the concessions they had negotiated two years earlier were revoked by the new administration, and a new era of violence would begin.

### **C. CERÉN DISREGARDS GANG TRUCE**

In 2014, El Salvador moved further toward democratic consolidation, appearing internationally as a success story for peaceful political transitions 20 years after the signing of the peace accords. The FMLN was able to retain the presidency through the democratic process with their second consecutive nominee when Salvador Sánchez Cerén was victorious by a slim margin over his ARENA contender. Internally, it seemed to be a different story, as the Cerén administration inherited the same official *Super Mano Dura* policies as the previous administration did, since the new FMLN government did not fully endorse the Gang Truce. Moreover, it could no longer place the blame of the issues of crime on the previous office holders, since the incumbent president had represented the

FMLN and the new president had been the vice president. With the violent crime rate still above pre-2003 levels, when the *Mano Dura* policies were introduced, and the tactics used by the security forces compromised the rule of law, El Salvador still faced legitimate challenges despite its positive democratic appearance. The party also gained enough seats in the Legislative Assembly to have a majority over the ARENA Party, in addition to being holders of the Executive Branch.

Cerén should build on the previous administration’s “strides towards building a more equal and inclusive society.”<sup>78</sup> Yet, though the homicide rate dropped during Cerén’s time as vice-president, the statistics on homicides mask the constant levels of violent crimes other than homicides that led Cerén to not recognize the gang truce brokered in 2012.<sup>79</sup> At the outset of his presidency, Cerén and the FMLN Party faced mounting criticism from the country’s elites and the media over the apparent lack of a comprehensive strategy to combat violent crime. On August 29, 2014, the government created the community police among concerned citizens in order to try and take back the perception of control of neighborhoods by the citizens from the youth gangs, but it was not under any formal policy, so it appeared to be a temporary attempt at fighting crime.<sup>80</sup> Although the Gang Truce had lowered the number of homicides, the rate was still a high 39.8 per 100,000 and that remained a cause for concern for the public, creating little confidence in the government’s ability to deal with what was described as an “uncontrollable plague” of crime by the gangs.<sup>81</sup> To make matters worse, the administration still did not take any official responsibility for the truce, and so the *Super Mano Dura* was still the policy enforced by the security forces, giving the impression that the administration did not have control of the security environment in El Salvador.

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<sup>78</sup> Donadio, *Índice de Seguridad Pública*, 1.

<sup>79</sup> Al-Jazeera, “El Salvador Gangs Offer Truce with Government,” *Al-Jazeera English*, accessed May 15, 2015, <http://www.aljazeera.com/news/americas/2014/08/el-salvador-gang-offer-truce-with-government-201483053728218357.html>

<sup>80</sup> La Prensa Grafica, “El Sentimiento de Inseguridad Que Embarga a La Ciudadanía Tiene Que Ser Atendido Sin Demora,” *La Prensa Grafica*, August 29, 2014, <http://www.laprensagrafica.com/2014/08/29/el-sentimiento-de-inseguridad-que-embarga-a-la-ciudadania-tiene-que-ser-atendido-sin-demora>.

<sup>81</sup> El Diario De Hoy, “El Salvador: FMLN dice Comentario Gobiernos Promesa poco, poco Entregar,” *El Diario de Hoy*, September 10, 2014.

Cerén's administration wanted to permanently replace the harsh *Super Mano Dura* policies that were official legislation and wanted input on how to move forward from several aspects of Salvadoran society. With the political capital to be able to enact some permanent changes, and after being in office eight months, President Cerén called for the creation of a commission to find a suitable alternative as a way forward to improving civil society and reducing crime throughout the country that would consist of citizens from all walks of life that would be tasked with discussing and articulating alternatives to the *Super Mano Dura* policies in order to combat violent crime and make the streets of El Salvador safe again for all citizens. The council was called the Consejo Nacional de Seguridad Ciudadana y Convivencia, or National Council on Citizen Security and Coexistence (CNSCC). Four months later, in January 2015, upon receiving the results of the CNSCC, President Cerén presented the results of Plan *El Salvador Seguro* to the citizens of El Salvador through the media.<sup>82</sup>

Instead, he commissioned the CNSCC to create a comprehensive plan to decrease the level of criminal violence plaguing Salvadoran society.<sup>83</sup> The plan they came up with was a 124-point plan, broken into five phases: violence prevention, criminal prosecution, rehabilitation and reintegration, care and protection for victims, and institution strengthening. There is very little academic research that is in-depth on *El Salvador Seguro*, as it is still being implemented and the results are to be determined. News reports in *El Faro* and *El Grafico Pensa* and articles written by respected academics such as Sonja Wolf's "Hay Terroristas En El Salvador" describe the situation as it changes throughout the country.<sup>84</sup> The indicators are not what were hoped for when the plan was first introduced at the beginning of the year, as it, too, has failed to decrease the homicide rate.

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<sup>82</sup> Presidencia de la Republica El Salvador, "Presidente Sánchez Cerén presenta Plan Quinquenal de Desarrollo "El Salvador Productivo, Educado, y Seguro," *El Salvador: Presidencia de La Republica*, (San Salvador, El Salvador: President of the Republic, 2015), <http://www.presidencia.gob.sv/presidente-sanchez-ceren-da-a-conocer-plan-quinquenal-2014-2019/>.

<sup>83</sup> CNSCC, *Plan El Salvador Seguro*, Presidencia de la Republica, San Salvador, January 13, 2015, <http://www.presidencia.gob.sv/wp-content/uploads/2015/01/El-Salvador-Seguro.pdf>.

<sup>84</sup> Sonja Wolf, "¿Hay Terroristas En El Salvador?," *Distintas Latitudes*, September 6, 2015, <http://www.distintaslatitudes.net/hay-terroristas-en-el-salvador>.

After reviewing the 46-page plan and searching for reports and academic work over the past few months, the focus of the plan addresses some of the arguments made by Wolf on the security agenda within the five main priorities laid out in the plan. The Plan argues that with the proper funding and citizen support that *El Salvador Seguro* can take a broad approach in addressing public insecurity. The five main stakes are addressed in 124 points that address several aspects of the root causes of crime in the Salvadoran society, with the five priorities being violence prevention, criminal prosecution, victim protection and advocacy, and strengthening institutions.<sup>85</sup> The Congressional Research Report by Clare Ribando Seelke, titled “El Salvador: Background and U.S. Relations” and published in May 2015, skims the surface of the plan, calling it a holistic approach. The CRS report does, however, argue that the government is resorting to the repressive practices of before due to the sudden rise of gang violence after the redistribution of the prison population that included gang leaders, and the government mobilized more military than before for public security, calling up three Army battalions to patrol the streets alongside police.<sup>86</sup>

#### **D. CONCLUSION**

For the first time in its history, El Salvador was able to peacefully transfer power as a democracy from one political party to another. After the electoral loss of the ARENA Party candidate, Mauricio Funes became the president under the FMLN banner. Since the party representing the former guerrilla faction during the civil war, one that had been victims to numerous human rights atrocities, was in power there was reason to believe that the harsh *Super Mano Dura* policies would be replaced during this first FMLN presidency. Testing the first two hypotheses, it became apparent that they were wrong and neither *Mano Dura* nor *Super Mano Dura* policies were decreasing crime. Though there were important strides in creating social programs and making a more equal society during the Funes presidency, the issue of gang violence was not resolved. The military had to be called in to assist with patrols due to the continued insecurity throughout the

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<sup>85</sup> Presidente de la Republica El Salvador, “Plan *El Salvador Seguro*,” 23–46.

<sup>86</sup> Seelke, *El Salvador: Background and U.S. Relations*, 8.

country. This lack of progress under *Super Mano Dura* in dealing with criminal violence created an opening for the Gang Truce to be created, though the government never officially embraced it.

With Salvador Sánchez Cerén taking office, *Super Mano Dura* policies were still the laws that governed how to approach the youth gang issue in trying to curb violent crime. Despite appearances of change brewing with the change in the executive branch, since the ARENA Party held the majority in the Legislative Assembly the FMLN administration needed to work with the other parties to pass legislation and a change in anti-crime laws was not probable without more support from the Legislative Assembly. The requirements became obvious that for change to occur through elections first for FMLN to earn enough political capital and seats to make any significant changes to the forceful policies that characterized the loss of rule of law in some corners of the country. After the failure of *Super Mano Dura* to usher in substantial decreases in violent crime, it was necessary for the FMLN to broadcast these results to the public and elected officials. The ruling party would also be required to create alternatives to *Super Mano Dura*, preferably with more emphasis on social aspects that would decrease the level of participation and recruitment of youths throughout the country in order to stem the proliferation of the gangs. For El Salvador to shake off these oppressive policies and strengthen the rule of law throughout its country it would be necessary that these steps occur and in a manner that would garner support from the citizenry, or risk the ARENA Party to return to power and continue with the status quo. In fact, the FMLN Party did win the presidency for a second term with the electoral win of Sánchez Cerén. The alternatives to *Super Mano Dura* were first presented in the form for an unofficial attempt at a Gang Truce, which failed to take stronger hold among those in government to fully support. After the former vice president was elected as the chief executive, Salvador Sánchez Cerén created a committee that presented to him the policies he would go on and promote as the real shift away from *Super Mano Dura*, the 124-point *El Salvador Seguro* Plan, that laid out what was considered the best course of action in trying to combat violent crime, while assisting victims of the crime, rehabilitating ex-gangsters, and providing alternatives to gang life for those youths in areas where they are heavily

recruited by the *maras*. The point of the plan was to replace *Super Mano Dura*, making it obsolete and essentially nonexistent. Enter the third hypothesis, where *El Salvador Seguro*'s implementation decreases violent crime.

## IV. PLAN *EL SALVADOR SEGURO*

### A. MOVING ON FROM THE PAST INTO THE PRESENT

On January 15, 2015, President Cerén announced to the media the first comprehensive approach to tackling violent crime in a dozen years.<sup>87</sup>

Two options, that are potential solutions to reducing the gang violence, are the gang truce in 2012 and Plan *El Salvador Seguro* in 2015. The government moved away from *Super Mano Dura* because the government needed to:

- decrease homicides by introducing a truce among the two biggest gangs in El Salvador;
- halt the use harsh tactics against gangsters;
- address the social aspect of the root causes of crime that was ignored under *Super Mano Dura*; and
- provide jobs and other alternatives to draw away potential recruits from gangs in order to stop their proliferation.

The Gang Truce was a temporary agreement orchestrated by nongovernmental organizations, the church, and unofficially supported by President Mauricio Funes' administration, to reach out to the imprisoned leaders of the two largest gangs in El Salvador.<sup>88</sup> Since the gang truce results were mixed, the government shied away from taking official credit for the drop in homicides. The end result was that the violent crime rate did not drop and, therefore, the truce ended in March 2014.<sup>89</sup> When Funes' Vice President, Salvador Sánchez Cerén, won the presidential election in June 2014, he

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<sup>87</sup> “Plan El Salvador Seguro Es Un Documento de Acción Realmente Consensuado: Representante Residente Del PNUD,” *Presidencia de La República de El Salvador*, accessed November 6, 2015, <http://www.presidencia.gob.sv/plan-el-salvador-seguro-es-un-documento-de-accion-realmente-consensuado-representante-residente-del-pnud/>.

<sup>88</sup> Geoffrey Ramsey, “Is El Salvador Negotiating with Street Gangs? Investigation and Analysis of Organized Crime,” *Insight Crime* (March 15, 2012), <http://www.insightcrime.org/news-analysis/is-el-salvador-negotiating-with-street-gangs>.

<sup>89</sup> Nina Lakhani, “Trying to End Gang Bloodshed in El Salvador—Al Jazeera English,” *Al Jazeera*, (January 19, 2015), 1, <http://www.aljazeera.com/indepth/features/2015/01/trying-end-gang-bloodshed-el-salvador-20151197230531747.html>.



completely disregarded trying to revive the gang truce, ending any hope of establishing a second truce.<sup>90</sup>

President Cerén commissioned a committee, the CNSCC, which was tasked with creating recommendations to present to the Legislative Assembly to forge a new path to decrease violent crime in El Salvador. The recommendations would move El Salvador away from the legacy of *Super Mano Dura*. The CNSCC created a five-year plan meant to address the root causes of violent crime, focusing on crime prevention instead of incarceration. My paper's argument is that Plan *El Salvador Seguro* will be more successful in the next five years in decreasing crime than *Super Mano Dura* was in the previous dozen years, due to the attention *El Salvador Seguro* gives to addressing the root causes of crime, instead of trying to stamp it out with mass incarcerations for anyone gang affiliated, the way that *Super Mano Dura* was executed. This chapter argues that although Plan *El Salvador Seguro* was well thought out and created an admirable blueprint to prevent violent crime, the lack of coordination with the youth gangs and the priority placed on redistribution of prisoners has caused a spike in violence. This spike is contrary to the existence of the new policies, diminishing the Cerén administration's ability to effectively decrease violent crime without using repressive tactics. The Cerén administration may still accomplish its strategic goals if properly funded and supported by the citizens of El Salvador. This chapter will introduce the creation of the CNSCC during the Cerén administration and President Cerén's comprehensive Plan *El Salvador Seguro*, and how it is meant to decrease violent crime by targeting youth programs and social aspects of society.

## **B. COUNCIL FOR CITIZENS' SECURITY AND *EL SALVADOR SEGURO***

Upon being elected in June 2014, President Cerén did not pursue a second gang truce, as the pandilleros had pushed for, and, instead, commissioned a committee to look into how to best approach curbing violent crime. He asked them to present policy alternatives other than the *Super Mano Dura* policies. The CNSCC was commissioned in September 2014, which consisted of church members, the media, business leaders, and

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<sup>90</sup> Lakhani, "Trying to End Gang Bloodshed," 1.

members of the international community.<sup>91</sup> One of the most publicized participants was former New York Mayor Rudolph Giuliani, credited with leading the decrease in violent crime in his city during his term in office.<sup>92</sup> With the participation of people from different walks of life, the CNSCC was determined to create policies that would affect all aspects of society, to include not just security, but also social programs, as an alternative to gangs for young people who might not have any other options otherwise.

The principal objectives of the CNSCC were:

- to get participation from different sectors of society to engage in a dialogue
- provide input for policies and plans with regard to justice and public safety
- propose actions to implement solutions to security problems
- follow up on the public policies that were created from the council's recommendations, with regular reports to the public
- identify ways to finance these new policies.

This plan is coordinated along with other national and regional initiatives such as the CARSI, the Estrategia de Seguridad Centroamericana (Central American Security Strategy, or ESCA), and the Prosperity Partnership of the Northern Triangle, among other efforts. The CNSCC is tasked with creating and recommending these policy changes, and are also responsible for the implementation of them. They will follow up with the progress by creating regular reports that would be accessible not just to politicians, but in theory they would be open to the public as well.

The resulting plan, known as *El Salvador Seguro*, was ambitious and consists of 124-points addressing five main axes. In a presentation to the media, the plan was announced by the administration as the next step forward in trying to move past

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<sup>91</sup>Presidente de la Republica El Salvador, *Plan El Salvador Seguro: Resumen Ejecutivo*, Office of the President of El Salvador, January 15, 2015.

<sup>92</sup>Laura Mallonee, "Rudy Giuliani Will Advise El Salvador on Security, Justice Reform | Latin America News Dispatch," *Latin Dispatch*, January 12, 2015, <http://latindispatch.com/2015/01/12/rudy-giuliani-will-advise-el-salvador-on-security-justice-reform/>.

*Super Mano Dura* and the unofficial Gang Truce.<sup>93</sup> The 124 points of the plan consisted of five sections labeled as priorities that were short-, medium-, or long-term goals. There are five main stakes, or priorities, that the plan focuses on.

The first priority is violence prevention, in order to lessen the impact and better the lives of the citizens throughout the land. The focus is on areas with high levels of the root factors for insecurity such as social exclusion, restricted access, and low levels of socialization among its residents. By intervening in the 50 most violent municipalities' drug and crime prevention institutions, and several civil sectors, the government plans on having more of a presence and boost youth employment as well as better their education and offer after-school programs. The plan calls to increase state spending on violence prevention, family care, victim advocacy and rehabilitation, and to strengthen communities by forming community policing programs. The plan is to urge the church, NGOs, private companies, and universities to create programs for gang members to be drawn to so that they can leave their gangs and reintegrate into society. The state needs to increase security for public transportation; a key strength for the gangs who gain by extorting bus drivers. Within the first year, the government planned on having a day of peaceful public protests against violence and insecurity by citizens in their respective towns. The cost of all the tasks planned in for violence prevention was estimated to be \$1.353 billion.

The second priority is having an effective justice system and successful criminal prosecutions to gain citizens' confidence. Prior to *El Salvador Seguro*, the criminal justice system had been very ineffective, convicting about 4% of those accused of a gang-related murder.<sup>94</sup> The government will move toward driving out corruption by creating a special commission. Modernize the equipment used by criminal investigators and the Policía Nacional Civil (National Police Force, or PNC) so that they can do an adequate job of finding evidence for any cases presented. The plan calls for better communication between the Attorney General's office and the PNC so that they work more effectively in

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<sup>93</sup> "Presidente Sánchez Cerén Presenta Plan Quinquenal de Desarrollo 'El Salvador Productivo, Educado Y Seguro,'" *El Salvador: Presidencia de La Republica*, (January 13, 2015), <http://www.presidencia.gob.sv/presidente-Sánchez-Cerén-da-a-conocer-plan-quinquenal-2014-2019/>.

<sup>94</sup> Wolf, "Street Gangs of El Salvador," 52.

the questioning and investigation portion of criminal cases. The task of redistributing the prison population under this second priority calls for transferring 2,500 prisoners to appropriate locations for the level of crime that they have committed, rather than based solely on their gang association. That task is the one that is the most pressing for the gangs and one of the first pursued by the government with the most consternation. The cost to complete the tasks planned for improving criminal prosecution was estimated to be \$42.44 million.

The third priority is to lessen the influence that criminal organizations get from leaders that are in prisons and detention centers, and create the conditions for rehabilitation and reintegration in these facilities instead. The government is aware that prisons are overpopulated, so they plan on increasing prison infrastructure and expanding existing prisons to accommodate the growing prison population. In the expansion, investment will be made to install signal blockers to reduce cell phone strength in order to control prisoners and have them focus on rehabilitation and reintegration, instead of what is going on outside the prison walls. The infrastructure buildup will cost an estimated \$168.8 million.

The fourth priority is to organize and institutionalize comprehensive care for victims in order to reduce the impact of the damage caused by violence and crime. The plan is to create institutions to support those who have been struggling to get around the violence—physically, emotionally, or mentally—and care for them. Another task is to create a task force to search for missing persons throughout El Salvador, who may have been victims of kidnappings. The associated cost is expected to be around \$36.1 million.

The fifth point is to strengthen institutions with a coherent framework in order to address the causes of violence and crime so that the public will gain confidence in these institutions. The plan calls for reforming laws for private security services, especially since they outnumber federal forces and national police, and create a database for victims so that they can be registered expeditiously.<sup>95</sup> The CNSCC also recommended passing a

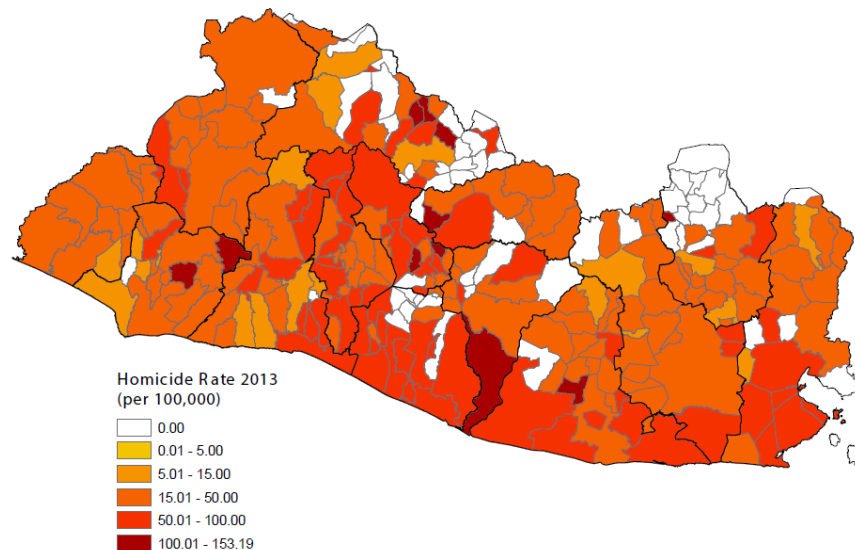
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<sup>95</sup> Donadio, *Índice de Seguridad Pública*, 45.

Civil Service Act in order to recruit young people to serve the country in some capacity other than law enforcement or the military.

The CNSCC is well aware of how important communication through the media is, which could be why the president presented their findings to the media in a news conference, touting the plan throughout the whole conference. But to be honest the plan does appear to be vague in its description of how the state will implement or create the institutions that are desired. Yet, to build support for the social programs of victim advocacy and youth education, the community must support their creation or their representatives in the Legislative Assembly will not vote for any legislation that has to do with *El Salvador Seguro*. This approach is broader than *Mano Dura*, but is it better? Figure 4 depicts the spatial analysis of homicides at a municipal level, which offers a glimpse in the most violent municipalities in the country.

Figure 4. Homicide Rate at the Municipal Level in El Salvador, 2013.<sup>96</sup>



The plan focuses on improving the 50 most violent municipalities in El Salvador over a five-year span, based on the five priorities. In Chapter Five of the Woodrow

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<sup>96</sup> Matthew C. Ingram and Karisa M. Curtis, “Violence in Central America: A Spatial View of Homicide in the Region, Northern Triangle, and El Salvador,” in *Crime and Violence in Central America’s Northern Triangle: How U.S. Policy Responses are Helping, Hurting, and Can Be Improved*, eds. Cristina Eguizábal et al. (Washington, DC: Woodrow Wilson International Center for Scholars, 2015), 25.

Wilson Center's CARSI report, Matthew C. Ingram and Karise M. Curtis note that the federal level of homicides may be the highest in the region, it does not explain the whole situation at subnational levels.<sup>97</sup> After reviewing Ingram and Curtis' spatial analysis of crime at the department and municipality levels, there is a more in depth view of the areas that are most affected by criminal violence. There are 261 municipalities in El Salvador, and not all of them are at or above the national average in violent crime. A look at Figure 5 shows portions of the countryside that actually have a low amount of homicides. The spatial analysis shows that the higher homicide rates would cluster in nonrandom places, and yet, the homicide rates would affect neighboring municipalities in that if it increased quickly in one area, it would increase as well nearby.<sup>98</sup> With that in mind, if the focus of crime prevention resources is on the 50 most violent municipalities and violent crime is decreased, and rehab and reintegration efforts are successful, then it should affect the neighboring municipalities in the same manner as it did when the opposite was true.

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<sup>97</sup> Ingram and Curtis, "Violence in Central America," 245.

<sup>98</sup> *Ibid.*, 278.

Figure 5. Homicides Reported in El Salvador (2004–2015).<sup>99</sup>

AÑO	Enero	Febrero	Marzo	Abril	Mayo	Junio	Julio	Agosto	Septie..	Octub..	Novie..	Dicie..
2015	336	307	484	418	643	677	470	918	685	676	447	
2014	234	247	309	284	394	372	351	346	333	291	341	410
2013	198	183	173	143	174	186	253	245	245	240	257	216
2012	413	404	255	157	173	167	175	157	169	179	177	168
2011	361	313	377	341	384	343	370	390	371	385	375	361
2010	401	339	325	386	355	370	292	338	217	344	315	305
2009	374	321	368	343	385	370	352	337	397	438	334	363
2008	271	262	255	226	256	279	263	281	241	269	303	273
2007	334	275	274	304	285	263	341	289	306	307	252	267
2006	325	251	304	305	359	342	366	382	324	346	331	293
2005	297	261	252	280	314	338	394	339	353	356	287	341
2004	206	206	242	213	274	227	259	321	221	245	252	267

The cost associated with completing the plan has been estimated to be \$2.1 billion to be able to properly implement every step of the 124-point plan over five years.<sup>100</sup> Yet, El Salvador is one of the least tax paying countries in the Western Hemisphere, and the government will have to raise taxes if they are serious about funding this new strategy. The legislature on October 29, 2015 passed a 5% tax on companies that make over \$500,000, which would fund \$140 million over five years to go to the Institute of Legal Medicine (IML) and PNC.<sup>101</sup> El Salvador does receive financial aid from the United States through various partnerships, to include bilateral assistance in the amount of \$22.3 million in 2014. Through the Millennium Challenge Corporation compact they received

<sup>99</sup> El Faro, “Homicidios Enero 2004—Noviembre 2015,” website, *Tableau Software*, December 3, 2015, [https://public.tableau.com/views/HomicidiosEnero2004-Noviembre2015/Homicidios2004-2015?:embed=y&:display\\_count=yes&:showTabs=y&:toolbar=no&:showVizHome=no](https://public.tableau.com/views/HomicidiosEnero2004-Noviembre2015/Homicidios2004-2015?:embed=y&:display_count=yes&:showTabs=y&:toolbar=no&:showVizHome=no).

<sup>100</sup> Seelke, *El Salvador: Background and U.S. Relations*, 11.

<sup>101</sup> El Salvador Press Release, “The Congress of El Salvador Approved Two New Taxes—Lexology,” last modified November 27, 2015, 1, <http://www.lexology.com/library/detail.aspx?g=2750b0c8-ac31-4ea1-80c1-22c25f8c1be8>.

\$277 million in 2014, and the Obama Administration has been lobbying Congress to give \$1 billion in aid to the region, \$119 million of which would go to El Salvador, along with funds for Partnership for Growth (PFG) and CARSI.<sup>102</sup> The Cerén administration has also been in negotiations with the Inter-American Development Bank for a \$200 million loan and the CNSCC will be responsible for administering the funds in order to allow for more transparency than if the president's office or another department handled it instead.<sup>103</sup> The funding over the next five years would still not be enough for such a large amount without private investment; thus, the Cerén administration has reached out to the international community in search of possible foreign investors and governments, especially the United States, in order to make this plan a reality over the next five years.<sup>104</sup> The plan is difficult to implement when businesses do not feel safe operating in a country whose public perception is not conducive to financial growth. The nation's financial growth is stifled because of criminals extorting businesses, which has come to be known as *la renta*, or rent.<sup>105</sup>

The security situation faces a terrible dilemma since it cannot be successful if it is not properly funded, yet investors will demand a safe and secure environment to carry out their businesses. Without a secure environment, business will not be willing to invest money in El Salvador. Since it will take international investment as well as government appropriations to fund this overture, it may be expected that countries such as the United States and Mexico, in their efforts to stem the drug trade trafficked through one country into the other with coordination and partnership with El Salvadoran gangs, will find more ways to provide aid in order to make this strategy a successful one. There must be a return on profit to draw in foreign investment. Being in areas where consumers live in fear of spending money or have to pay for safety to criminal networks is enough to scare any off investors initially, so it is up to the government to create a sense that the

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<sup>102</sup> El Salvador Press Release, "The Congress of El Salvador," 13.

<sup>103</sup> *Ibid.*, 7.

<sup>104</sup> *Ibid.*, 6.

<sup>105</sup> José M. Cruz, "Responses and the Dark Side of Gang Suppression in Central America," in *Maras: Gang Violence and Security in Central America*, eds. Thomas Bruneau, Lucia Dammert, and Elizabeth Skinner (Austin, TX: University of Texas Press, 2011), 153.



security situation will improve with this new strategy, at least more so than it did in the previous dozen years under *Super Mano Dura*.

### **C. OUTCOME OF PLAN *EL SALVADOR SEGURO* IN 2015**

The introduction of the plan was met with a mixture of hope and anxiousness, since it was the first time, since *Super Mano Dura* policies were enacted, that the government stood behind a change in the approach of dealing with crime and gang violence. The argument was that the new focus of *El Salvador Seguro* would be more successful at decreasing the levels of homicides and other forms of violent crime. This chapter's hypothesis was that the societal approach of the plan would have had a more positive effect on long-term gang proliferation and would have led to a decrease in violent crime throughout the country. The plan should have decreased potential gang recruitment of minors in the 50 most violent municipalities over five years, leading to a domino effect in neighboring municipalities.

With the plan present and the FMLN Party holding the presidency and also a majority in the unicameral Legislative Assembly, the pieces were in place politically to make major changes to end the violent legacy of *Super Mano Dura*. Without either of these, sweeping changes away from the *Super Mano Dura* policies would be difficult, if not impossible, to make, as was the case in the previous administration of Antonio Saca, the FMLN president who had to contend with an ARENA majority. Unfortunately, 2015 would show that just because *Super Mano Dura* was replaced, it did not mean that the level of violent crime would suddenly revert to pre-2003 levels.

The reality on the ground depends greatly on the way that Plan *El Salvador Seguro* is implemented and the reaction of the gangs for not only the change in policy, but also how they perceived President Cerén's disregard for the Gang Truce.<sup>106</sup> It appears that, in the short term, another hypothesis rings true in that the gangs are not be perceptive to the change nor appreciate being left out of the process after the dissolution of the Gang Truce and significantly increased the level of criminal violence throughout

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<sup>106</sup> Lakhani, "Trying to End Gang Bloodshed," 1.

the country. The gangs are not standing pat for this sudden change in the status quo without being heard from, one way or another.

After Plan *El Salvador Seguro* was publicized, one of the first steps taken was the redistribution of the prison population, beginning with the transfer of 14 inmates that were considered the leaders of the MS-13 and 18th Street gangs to El Salvador's maximum security prison in Zacateluca, better known as Zacatraz.<sup>107</sup> The prison moniker was given due to its propensity to be as infamously repressive as Alcatraz was during its active days, as most of the prisoners were in special cells in solitary confinement.<sup>108</sup> This was the most distinct move that proved that the administration was going to try to remove any of the conditions that were met in the Gang Truce to try to reign in the political capital that the gangs had possessed in return for ordering the cessation of murders committed by the two largest gangs in El Salvador.<sup>109</sup> This caused the gangs to be so upset that they promised to increase violence until the gang leaders were returned to the prisons they were in before, so that they could meet with their families and visit with their messengers to communicate with their gangs.

This was the catalyst that set in motion the monthly increase in homicides, leading El Salvador to see some of the worst rates for criminal violence since 2009. El Salvador may very well have the worst rate in the world by the end of the year.<sup>110</sup> Although the rate of homicides was 15 per day in January, the rate ballooned to over 20 a day in May, with a total of 635 gang-related homicides. This was surpassed in June, with 677 murdered.<sup>111</sup> August was the deadliest, with about 30 a day getting killed, as 918 were

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<sup>107</sup> Michael Lohmuller, "El Salvador's Gangs & Prevailing Gang Paradigms in a Post-Truce Context," in *Georgetown Security Studies Review*, Special Edition: The Changing Calculus of Security and Violence (Georgetown University Center for Security Studies' symposium "The Changing Calculus of Security and Violence," Washington, DC: Georgetown University, Center for Security Studies at Georgetown University's Edmund A. Walsh School of Foreign Service, 2015), 263.

<sup>108</sup> Carlos Martinez, "Gobierno Encierra En Celdas Especiales de 'Zacatraz' a Las Cúpulas de Las Pandillas," *El Faro.net*, February 19, 2015, 1, <http://www.elfaro.net/es/201502/noticias/16620/Gobierno-encierra-en-celdas-especiales-de-Zacatraz-a-las-cupulas-de-las-pandillas.htm>.

<sup>109</sup> *Ibid.*

<sup>110</sup> Lohmuller, "El Salvador's Gangs & Prevailing Gang Paradigms," 250.

<sup>111</sup> Manu Brabo, "Gang Wars in El Salvador, Bloodiest Year—Al Jazeera English," *Al Jazeera*, September 16, 2015, <http://www.aljazeera.com/indepth/inpictures/2015/09/gang-wars-el-salvador-bloodiest-year-150914095306221.html>.

recorded by the medical examiners according to reports from the PNC.<sup>112</sup> The government reported that 85% of the homicides were gang-related and that it was necessary to not give in to pressure from the gangs and to continue with the implementation of the plan without negotiating with the gangs, in the same manner that the United States does not negotiate with terrorists. These historic levels of violence have caused several families to find refuge away from their homes, and may migrate to the United States in order to survive.

Since the highs recorded in August, the homicide rate has dropped considerably. According to the reports by the PNC and IML, August had been the worst month for murder in the last dozen years and, although over 6,000 have been killed in 2015 alone, the rate is trending down in the months since, from September to November. It is not known why there is a sudden decrease in murders in El Salvador. Once again, five gangs have attempted to commit to a truce promoted by the religious *Iniciativa Pastoral de la Vida y la Paz* (Pastoral Initiative for Life and Peace, or IPAZ) after the canonization of the Salvadoran civil war era martyr Archbishop Romero. These gangs have presented the truce as an olive branch to the government in order to negotiate the release of its leaders from maximum security prisons to the prisons they were previously in. Whether the government accepts the truce in December may determine whether 2016 will also lead to another year of high homicide rates. Indications are that the administration is still hesitant to accept the gangs as a political actor, and it still remains to be proven if a truce can be maintained. It is difficult for any gang to control the many loosely associated smaller segments of itself, which are still violent and difficult to keep in line by the imprisoned leadership.<sup>113</sup>

#### **D. RESULT**

*Mano Dura* and *Super Mano Dura* did not accomplish the goal that the government had for them in 2003. It had time to get established, recalibrate after being in

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<sup>112</sup> Ezequiel Barrera, “Agosto Cerró Con 907 Homicidios,” *La Prensa Grafica*, September 1, 2015, <http://www.laprensagrafica.com/2015/09/01/agosto-cerro-con-907-homicidios>.

<sup>113</sup> Lohmuller, “El Salvador’s Gangs & Prevailing Gang Paradigms,” 276–277.

effect for a short while, and still missed its mark. In Chapter II, the first and second hypotheses were tested and proven wrong. Therefore, alternatives had to be considered to reverse the trend of rising crime. Homicides reached a high of 70.9 per 100,000 by 2009, the year that El Salvador elected their first FMLN president in Mauricio Funes, signaling the exit of the ARENA Party from the executive branch after more than 20 years. Although the FMLN won the presidency, they failed to earn a majority in the Legislative Assembly and could not overcome ARENA's objections in removing the *Super Mano Dura* policies. During the next two years, the homicide rate stayed above 60 per 100,000 and it became evident that an alternative needed to be introduced. Different approaches were discussed and introduced in the form of so alternatives were sought, beginning with the Gang Truce.

In 2012, a Gang Truce was brokered between Mara Salvatrucha and Barrio-18, the two largest gangs in El Salvador. The main actors that approached the gangs were members of the clergy and nongovernment organizations, with members of the government playing unofficial roles behind the curtain, so as to avoid any blame that may come if the truce were to fail to decrease crime levels. The results of the Gang Truce were mixed, as the homicide rate dropped dramatically from 69.9 per 100,000 in 2011, to 41.2 per 100,000 in 2012, and 39.8 in 2013; the lowest levels since the first year of *Mano Dura*. Still, doubt existed that the Gang Truce had any tangible effect on making El Salvador safer due the public's perception remaining the same about the effect that gang activity had on their life and by comparing statistics of other various forms of violent crime. The rates stayed steady despite the drop in homicides, such as with threats, theft, and assaults. As the election of 2014 ushered in a new president, the FMLN's nominee and a former guerrilla commander, Salvador Sánchez Cerén, the government was still not taking credit for the Gang Truce.

After becoming president, the Cerén administration created a commission to establish a new set of policies that would ultimately replace *Super Mano Dura* and the Gang Truce officially. With the FMLN winning both the presidency and the majority of seats in the Legislative Assembly, it was the moment that the party of former rebels had been waiting for to enact real change among their society to curb gang violence. The

responsibility of presenting the president with a new plan moving forward fell on the CNSCC, which created the 124-point plan *El Salvador Seguro*. President Cerén announced the plan to the public in January 2015, less than a year after taking office.

We have come to H3, if the velvet glove approach is implemented, then crime will decrease. What has occurred since *El Salvador Seguro's* inception? Since then, the country first focused on the prison distribution aspect, separating petty criminals from the mass murderers, resulting in the imprisoned bosses of the gangs being sent to the maximum security prison known as Zacatraz, in Zacateluca. This action of cutting off communication between the leaders of the gangs and their street pandilleros has resulted in an unforeseen pushback by the gangs, leading to an explosive increase in gang violence and officially signaling the end of the Gang Truce. The rate of homicides gives the impression of a low-intensity war being waged between March and August. What may have been a step in the direction of building on the Gang Truce has resulted in the opposite effect once again; but, the results are still too early to tell what they indicate for the present and future. There are other signs from other portions of the plan being put into place that make these results inconclusive, as community organizations are beginning to police their neighborhoods, which will increase ownership, lessening the influence of the gangs. If there can be some progress on the other priorities of the plan, the revenue from the new taxes being imposed will generate enough income to fund portions of the plan that did not have money appropriated. If Salvadorans get behind the strategy, it is still possible that this setback of increasing rate of homicides is temporary and that the future of El Salvador may not be as grim as the previous dozen years have been. Still, if *Mano Dura* was not replaced until after a dozen years, *El Salvador Seguro* should be able to at least last the rest of this administration's term, which expires five years after the plan was announced.

## **V. CONCLUSION: COMPARING *MANO DURA* AND *EL SALVADOR SEGURO* AND WHY IT MATTERS**

This thesis argues that El Salvador will have a better probability of decreasing violent crime with Plan *El Salvador Seguro* than it did with the *Super Mano Dura* policies. The hypotheses that inform this thesis are that with the implementation of the new policies violent crime will go up, it will go down, or the policies will have no effect on the rate of crime. With the policies being taken as the independent variable and citizen's perception of security being the dependent variable, the hypothesis was made that with a larger focus on social programs and on aspects other than incarceration and repressive tactics by security forces, it would lead to a decrease in violent crime and violence overall by both criminals and state actors. By using the most-similar method on a diachronic longitudinal analysis, I took a look at how these policies were introduced into Salvadoran society. The results of a dozen years of *Super Mano Dura* policies conclude that by focusing only on the repressive tactics and mass incarcerations without being serious about rehabilitation and reintegration, and not addressing the root causes of violent crime in the first place, has not been successful in decreasing crime from 2003 to 2014. What *Super Mano Dura* ignored, *El Salvador Seguro* is supposed to address. In theory, if the plan is followed through as written, the hypothesis is that violent crime rates should decrease dramatically, at the very least to pre-2003 levels, as long as it is supported by the citizens and properly funded by the legislature and private investments, as planned. This security risk has been present since the end of the civil war and it must be dealt with in order to improve Salvadoran society as a whole.

### **A. HOW THE SECURITY SITUATION LED TO *MANO DURA***

The civil war in El Salvador ended in a stalemate, and the United Nations-administered Cojutepeque Peace Accords failed to effectively disarm the population or address the post conflict poverty and unemployment that plagued the majority of its society. Within the political transition, a security vacuum was created that allowed

criminal actors to take advantage of the situation and operate with little regard for the law. The root causes for violent crime are

- the legacy of war
- socioeconomic underdevelopment
- steep income inequality
- poverty
- the wide disparity between rich and unemployed
- illiteracy
- being geographically located between the largest consumers of illicit drugs (i.e., the United States) and the producers and suppliers of these illicit drugs in South America
- the lack of an established criminal justice system incapable of handling the influx of criminals deported from the United States in the 1990s were to take hold among the lower classes after the Peace Accords were signed in 1992.<sup>114</sup> The IIRIRA passed in 1996 led to an increase in deportations, which made Central America ripe for the proliferation of crime and violence created by these youth gangs that originated in Los Angeles in the 1990s.

The greatest security risk that El Salvador has had to deal with since the end of the civil war has been the domestic threat of gang violence. For over two decades, it has been a menace that has had to be addressed by the Salvadoran government. What was a violent country during the civil war failed to turn away from the violence during the transition period and it caused a rise in violent crime ever since. The security situation required a comprehensive approach to create policies to address the levels of violent crime. A decade after the signing of the Peace Accords, ARENA Party member President Francisco Flores' administration introduced the *Mano Dura* policies in 2003, after previous temporary anti-*mara* laws were passed and expired. These policies were harsh in nature, trying to incarcerate all those that were gang-affiliated in order for the conservative ARENA Party to look strong against crime. This was the beginning of the government's attempt at addressing criminal violence, but it only employed repressive

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<sup>114</sup> Thomas Bruneau, "Introduction," in *Maras*, 23.

police tactics and resulted in gangs committing more violence in response, with homicide levels growing every year since *Super Mano Dura's* implementation. The failure to stem the growing violence led to the FMLN Party's candidate winning the presidential election in 2009, with the promise to find a better way to address the security problem plaguing the country. The ARENA Party failed to keep its citizens safe by not pushing for better rehabilitation of the criminal population, which eventually formed the prisons into a sort of finishing school for petty criminals that were apprehended so that they left prison with a better understanding on how to further their criminal undertakings by operating under the gang system.

## **B. MOVING ON FROM THE REPRESSIVE TACTICS OF *MANO DURA***

With the election of a new president from a new party, hope arose that a different approach would be made to stem gang violence. FMLN Party member President Mauricio Funes unfortunately could not get the votes in the Legislative Assembly, or the political capital, to make drastic changes and throw *Super Mano Dura* out completely. His administration had to work within the limits of his office to move the country past those repressive policies, but the growing criminal violence pushed his government to revert to using the military to support the civil police. This led his administration to pursue a Gang Truce brokered by David Munguía Payés unofficially, with the support of the church and NGOs, giving concessions such as transferring these leaders to less secure prisons than the maximum security penitentiaries that were holding these mass murderers, in the hopes that the imprisoned gang leaders would make good on their promise to order a decrease in homicides between the gangs. The numbers support that this occurred, with a drastic drop in homicides from 70 per 100,000 to 41.2 a year later. Unfortunately, this was not enough to change the public perception of their safety since citizens were still being subjected to other forms of criminal violence, especially extortions and kidnappings.

The Gang Truce presented an opportunity to continue decreasing criminal violence when engaging those who commit the violence, but this was seen as creating a political entity out of the gangs, and the Cerén administration after Funes' administration

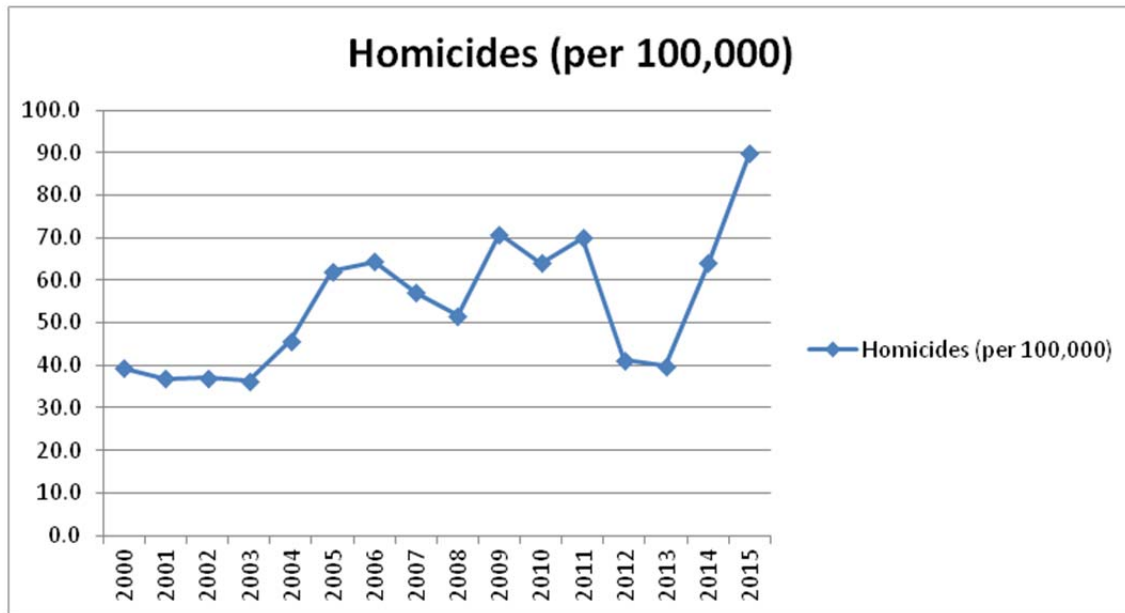


was adamant about not legitimizing a group that used violence as a tool for its own political gain. President Cerén decided to commission the CNSCC to determine a way ahead using the “velvet glove” approach to further the social programs that were instituted in the previous administration by adding it to a grand strategy in his battle with decreasing criminal violence. The approach of the CNSCC’s Plan *El Salvador Seguro* goes further than any previous strategy in trying to not only reign in criminal violence, but also address its root causes by trying to give youths alternatives away from gangs, yet rehabilitate and reintegrate those that may have already fallen prey to the gang life, but want a way out. In theory, this course of action should be considerably better than the previous attempts at dealing with the youth gangs, but due to Cerén’s refusal to negotiate with the gangs and the prison redistribution aspect of the Plan, the gangs have committed a significant increase in violent crimes to draw the administration back to the negotiating table in order to get their leaders released from Zacatraz, the nation’s maximum security prison. In 2015, the steep decline in security in El Salvador led to thousands of residents being displaced, murdered, or suffering from some form of violent crime; in essence, making the worst-case scenario come true in that the violence has only gotten worse. Despite the annual homicide rate projected to reach about 90 per 100,000 people for 2015, the silver lining is that murders have actually been on the decline since August. If the government can harness this opportunity to lessen the number of homicides nationally and be able to implement the rest of the Plan in the municipalities that need it the most, over the next four years El Salvador has a chance to rebound and lift itself and its citizens from the low of a difficult year and come out victorious. If not, and if the decrease in homicides is only a mirage, then the administration may throw out the social approach at combating crime and reinstate *Super Mano Dura* to reign in the murderous gangs responsible for the upsurge in violence. This would just cause more instability in the region and contribute to the displacement and migration of Salvadorans fleeing the country in search of the safety and security that they cannot find at home.

Future research on this topic could follow up on the results of violent crime during the rest of the *El Salvador Seguro* years. The comparison could still be done with only time being the differing factor. With more of a sample size, and as long as the

policies have been implemented as planned over the next five years, it is possible to get a better grasp on the argument and test the hypothesis again to see the results.

Figure 6. Homicide Rate in El Salvador (2000–2015).<sup>115</sup>



### C. WHY ANTICRIME POLICIES IN EL SALVADOR MATTER

Why does this matter? Why should the United States care whether policies are repressive, support human rights, or if the rule of law is respected in a country that does not border the United States, nor offer a benefit such as natural resources? If El Salvador is not a hotbed of extremism, nor feared to be a training location for terrorists within its borders, why should anyone pay attention? A look at what is discussed during election cycles and debates offer a glimpse at what is important to Americans and how the matter is dealt with on foreign lands prior to it affecting Americans may be the best way to handle it so that the root causes may be addressed instead of just dealing with end results—i.e., being proactive instead of reactive. The United States has a watchful eye on terrorism, but it is also affected by immigration, and instability in El Salvador would only create an environment of chaos, the kind that enemies of the United States can exploit.

<sup>115</sup> UNODC, *Global Study on Homicide*, 125.

These concerns must be addressed immediately in order to minimize the damage they may make collaterally or directly to the United States.

These policies, and how they address the problems that plague El Salvador, and other countries in the region, can increase or decrease immigration to the United States, to include 50,000 plus of unaccompanied children (UAC) at the borders. In fiscal year 2014, 68,500 UACs were caught on the border, 77% of which were Central American children. They escape for several reasons, one of which is to avoid the criminal violence that threatens their lives every day.<sup>116</sup> There is also having to contend with drug trafficking on the land bridge between producers and consumers of these illicit drugs. Paying attention to the history of this region and its associated security risks that affect the United States and Americans directly is important enough to be proactive and invest in this country and region. U.S. interests may save the taxpayer down the line, if not at the very least ensure that the money spent there is not going to waste. As a country, we can ill afford to not be aware of what is necessary to curb instability in the region, or else the problems of these countries will be on our doorstep.

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<sup>116</sup> William A. Kandal and Lisa Seghetti, *Unaccompanied Alien Children: An Overview*, (CRS Report No. R43599) (Washington, DC: Congressional Research Service, 2015), 2.

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