

# Construction of the problem of Latin gangs in Spain and response of the law enforcement system

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**Abstract** Recently, since their official recognition as criminal organizations by Spanish law enforcement authorities, stricter prosecution of Latin street gangs has been observed. The toughening of legal regulations, new models of police conduct and the increasingly active role of prosecutors have contributed to greater punitive pressure on the gangs. This article has two main objectives: first, to describe changes in Spanish criminal policies for the treatment of Latin American street gangs; second, to analyse to what extent these changes are in consonance with empirical findings on criminal involvement and the organizational nature of these groups. The results show that despite the recent increase in criminal activity these groups cannot be viewed as the only parties to blame for local street crime. The opinion of the law enforcement authorities that Latin American street gangs are a form of organized crime is far from reality. These groups do not have the required combination of characteristics inherent to criminal organizations, and their purposes are not always exclusively criminal.

**Keywords** Latin street gangs · Organized crime · Criminal policy · Social construct

## Introduction

A significant influx to Spain of immigrants from Latin America in the first decade of the twenty first century contributed considerably to the accelerated growth of the urban population in the main cities. This, together with an increase in the adult population, quantitatively changed the youth and modified its qualitative composition, which meant that the percentage of Latin youngsters in public places rose. Emergence in the city streets of new subjects with their specific symbolism expressed, in particular, in their clothes, interactions and communication, naturally caused various reactions from the indigenous people. Against the general background of seeming tolerance to immigration, episodes directly associated with the

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rejection of and hostility to the young immigrants' new culture quite often arose as a result of the increase in their presence in the streets (Cea D'Ancona and Valles Martínez 2014). However, some immigrant youth groups deliberately start to develop criminal behaviour, which cause natural concern to the political elite, law enforcement authorities and especially mass media, who start to perceive them as street gangs.

Despite the existing difficulties in the use of the term 'gang', typical in the criminological culture of the USA, to describe group deviance in the Spanish context (Medina Ariza 2010), the term 'Latin gang' is increasingly used with purely criminal implications (Feixa et al. 2011; Feixa and Canelles 2007; Kazyrytski 2010: 20; Maqueda Abreu 2010). In this sense, group deviant behaviour of Latin youngsters is increasingly recognized as street gang behaviour, while similar behaviour from Spanish youngsters is considered characteristic of an urban tribe without any negative connotations (Queirolo Palmas 2013b; Scandroglio and López 2010). Thus, the same socially dangerous behaviour can be viewed differently, even in terms of the law, depending on the race and ethnicity of the offender (Queirolo Palmas 2014a).

The media have taken on a leading role in shaping the view of the criminal problem in Spain (Varona Gómez 2011). Since their emergence in the last decade, Latin street gangs have become main figures in terms of journalistic research and reflection on criminal activities.<sup>1</sup> According to the mass media, street gangs made up of Latin youngsters are groups which extensively follow criminal behaviour patterns, most often violence, to promote their criminal interests (Feixa and Canelles 2007; Queirolo Palmas 2013a; Recio and Cerbino 2006; Scandroglio 2009). In accordance with numerous articles in periodicals, Latin street gangs constitute a real danger to law, order and public safety (Botello and Moya 2005). According to Cano Paños (2006: 93) and Feixa et al. (2011) this has a significant influence on public opinion and the emergence of real moral panic about Latin gangs.

On their part, some political groups and representatives of power structures emphasize relatively widespread Latin street gangs in major Spanish cities and the growth of their criminal activities (DSCD 2013). This is why in political discourse the focus is often put on the need to exert more pressure on Latin gangs, including intense application of deportations.

So, in collective consciousness, Latin street gangs are increasingly viewed more as well-organized deviant groups characterized by high levels of criminal activity, including organized crime (Feixa et al. 2006). These groups are considered associations of young immigrants with serious problems of integration into Spanish society who violate conventional norms of behaviour (Cano Paños 2006:124). According to the law enforcement authorities and mass media, Latin street gangs are the only groups dangerous to social interests (Feixa et al. 2008; Feixa and Canelles 2007; Scandroglio 2009: 16–20). In the collective consciousness, Latin gangs are to blame more than any other when it comes to violence in public places.

All this has contributed to the development of an unusual criminal policy with respect to Latin American street gangs. The evolution of this policy is characterized by its increase in punitive pressure. In this sense, some research questions relating to the treatment of the Latin American gangs in Spain can be formed: 1. What kind of modifications occur in the treatment of Latin American gangs by the criminal justice system as a result of the changes in perception

<sup>1</sup> Greater attention in this regard has been observed following the murder of Ronny Tapias in Barcelona in October 2003. This young 17 years old Colombian boy was confused by the members of the street gang, *Ñetas*, with a member from the rival gang, *Latin Kings*, leading to him being fatally attacked. After this episode, the media carried out extensive broadcasting of the case and began to report the existence of a massive flow of various Latin American gangs into Spanish territory. All this contributed to the police putting more resources into the pursuit of street gangs and their illegal activities.

of their danger to society? 2. Are these changes justified by empirical data which indicate that: a) Latin American groups are associated with a greater involvement in criminal activities in comparison with other types of gangs and b) the changes in the nature and in the organization of Latin American gangs cause them to be portrayed as highly dangerous and criminal? To answer these questions, the methodology of this work is confined to the analysis of police data on criminal activity of the Latin American gangs and their juxtaposition with the findings derived from the performance of different types of empirical work with respect to the nature and activities of these groups.

## Police treatment

Although the emergence of Latin street gangs in the first decade of the twenty first century has been a qualitatively new phenomenon for the Spanish context, the police immediately monopolized treatment of these groups (Feixa and Canelles 2007). However, police treatment in major Spanish cities with the highest concentration of Latin gangs was initially not homogeneous. For example, in Barcelona, treatment was viewed through the lens of the mixed model of prevention, intervention and suppression (Bernuz Beneitez and Fernández Molina 2012; Kazyrytski 2010: 316; Queirolo Palmas, 2014c: 16), while in Madrid, it was mainly implemented as a repressive strategy based on prosecution and intimidation of gang members (Feixa et al. 2011; Queirolo Palmas 2013a; Queirolo Palmas 2013b: 30–32; Scandroglio and López 2010). These different approaches explain, to a certain extent, the different opinions of many social institutions in the two cities regarding street gangs: in the capital of Catalonia, there began the process of transformation of Latin gangs into cultural associations (Lahosa 2008), while in Madrid, these groups were viewed as organized crime groups (Feixa et al. 2011).

The mixed model used by the police in Catalonia was developed mainly by establishing a dialogue with gang members in the framework of community policing with the active participation of various institutions. As stated in the research of Queirolo Palmas (2013b: 33), the police activity in this area commonly included: a) assisting members who wanted to leave the gang, b) promoting the introduction of new members who were already cooperating with the police, c) individual treatment of members depending on their involvement in criminal activities, d) mediation in conflicts between the gangs and e) interference at the stage of preparation to commit a crime.

Implementation of this mixed model was a result of the policy of transforming street gangs into cultural associations, which finally led to reduced levels of violence from these groups (Brotherton 2015: 154; Feixa et al. 2011; Herrero Blanco 2012: 107). As a result of the initial establishment of trusting relationships between the power structures and the two major groups, Latin Kings and Ñetas, and with substantial mediation from academics, these gangs rejected their deviant activities and were transformed into cultural associations and registered by the government of Catalonia as ‘Cultural organization of Latin Kings and Queens’ and ‘Socio-cultural sport and musical organization of Ñetas’. From this time, deviance was replaced by a fully conventional program, including the organization of sports competitions, theatre performances and various kinds of events aimed at improving the integration of local young immigrants (Feixa et al. 2011). However, this positive tendency in the treatment of street gangs was unable to determine the entire criminal policy of Catalonia regarding the phenomenon of gangs. New cultural associations could not fully develop in a prosocial direction, since

prejudice against and stereotypes about members of these associations were deeply rooted in the attitude of many Catalan institutions, who refused to cooperate with Latin youngsters as they were only viewed as youth gangsters (Queirolo Palmas 2013b: 47). On the other hand, proposals from scholars engaged in this area have been gradually rejected by the bodies of social control, and they were refused the possibility of further participation in the process of gang transformation due to discrepancies regarding the criminal policy model applied as treatment of the gangs. Catalonia power centres tried to achieve full assimilation of Latin groups with the aim of their future disappearance, while scholars worked to transform these groups into cultural organizations in order to draw attention to their problems and needs (Queirolo Palmas 2014b).

However, since 2012, the approach of the Autonomous Government of Catalonia to control crime and maintain law and order has been changing, leading to the reorganization of police work regarding the treatment of street gangs. The above mixed model has been gradually replaced by an obviously repressive model, which mainly involves the prosecution and arrest of members of Latin gangs (Queirolo Palmas 2013b: 35). This occurs under the influence of the change of political orientation of the government of Catalonia: the left-wing coalition, which ruled while implementing the mixed model for dealing with gangs, was replaced by a centre-right party. With the new government, changes occur in the senior leadership of the autonomous police force who then begin to opt for tougher measures in the fight against crime.

Thus, since 2012, practically throughout the whole territory of Spain, the police have been distancing itself from the possibility of using prevention and intervention strategies in the treatment of gangs and directing its activities exclusively to suppression. From the point of view of the Spanish police, Latin street gangs are organized crime groups, which legitimizes the imposition of stronger sanctions against them (Rodríguez Díaz 2016).

## Criminal justice system treatment

Since the adoption in Spain of Organic Law 5/2010, introducing the notions of ‘criminal group’ and ‘criminal organization’ by addition to the Criminal Code of articles 570 bis, 570 ter y 570 quáter, a legal response to organized crime has been observed. Apart from the formal features of organized crime contained in the text of Organic Law 5/2010, in its preamble, important ontological characteristics of organized crime are set out. In particular, it is indicated that organized crime infringes the foundations of democracy, disrupts normal functioning of the market economy, corrupts legal relations and weakens the managerial functions of public bodies. Since the adoption of this law, the police have exclusively viewed Latin gangs as organized crime (Rodríguez Díaz 2016).

It should also be noted that the repressive nature of the treatment of street gangs by the police has increased as a consequence of significant, direct pressure from prosecutors and the judicial system. Under the Circular by the National Persecution Service 2/2011, Latin gangs shall be covered by Organic Law 5/2010, since they are highly dangerous and their criminal orientation makes them a form of organized crime (FGE 2011). Under this document, any street gang consisting of youngsters of Latin origin which is associated with any name for identification shall be considered organized crime by default. According to the opinion of the National Persecution Service, all Latin gangs existing in Spain a) are well-organized hierarchic groups with a pyramid structure, strict discipline and blind subordination to their leaders based on the internal code of conduct and distribution of roles; b) have a high degree of cohesion and

commitment to their group values; c) consist mainly of Latin immigrants ideologically defending the superiority of everything Latin; d) their criminal activities, in which violent behaviour has an important role, are performed in groups of 10 to 15 or more persons in cases of crimes against life and health or violent confrontations between competing groups, or three to five persons in cases of crimes against property. In this way prosecutors emphasize the highly criminal nature of Latin gangs and insist on the application of the part of the Criminal Code related to organized crime when dealing with them, thus recognizing that the foundations of democracy, the market economy and public administration are the object of the criminal attacks by Latin street gangs.

This excessively criminalizing point of view, to a certain extent, influenced decisions by the judicial system against Latin street gangs. For example, in one of its sentences against Latin youngsters, the Supreme Court qualified actions of the accused as involvement in a criminal organization, referred directly to Circular Note 2/2011 as a document developed by experts to argue its verdict, and therein literally reproduced the opinion of the prosecutors about the ontologically criminal nature of Latin gangs.<sup>2</sup> So, according to Maqueda Abreu (2010:317), it can be assumed that Spanish prosecutors have an obvious strategy intended to increase the punitive pressure of the judicial system on street gangs.

It should also be highlighted that circumstantial evidence has become an increasingly important mechanism in trials so as to determine the links between a youngster and a gang, and thereby prove the youngster's actual involvement in it. In this sense, recently, there has been increasing use of circumstantial evidence indicating not actual direct or instrumental links between young people and gangs but rather peripheral and indirect links between them. The use of this evidence naturally makes one doubt the objectivity of the examination of the relationship between youth and gang.

According to Bernuz Beneitez and Fernández Molina (2012), in Spanish criminal proceedings, the following facts have begun to be accepted as evidence of the involvement of a subject in a street gang: self-incrimination by the suspect; identification of the suspect as a member of a certain gang by a parent or reliable informer; place of residence or frequent presence of the suspect in the area of activity of a certain gang; use by the suspect of the clothing style of street gangsters; detention of the suspect three or more times together with a member of a street gang; photos indicating contact between the suspect and street gangsters; and identification of the suspect as a gangster by police.

All this evidence is indirect which makes broad interpretations of the circumstances possible and which indicates that exclusive use of this evidence raises questions regarding the exactitude of reconstructions of criminal situations. For example, many young immigrants reside in districts where there are street gangs, wear the same style of clothes or have purely friendly relationships with gangsters without being members of any gangs themselves. Moreover, the impartiality of the testimony of informers and the police also raises many doubts.

## Street gangs' delinquency prevalence

For decades, the activity of the Spanish criminal system has not been characterized by high transparency, which is demonstrated by the fact that neither statistical data on the criminal situation in general nor specific youth crime data has been available to the public. Since

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<sup>2</sup> Spanish Supreme Court sentence, 16.04.2014 (RJ 2014/2888); MP: F. Monterde Ferrer.

adoption in Spain of the Transparency Law in 2013, scholars have been provided limited access to certain criminal justice system data, including data on crimes committed by youth street gangs.

The only data relating to the activity of Latin American gangs in a systematized way, recording deviated behaviour of gang members, is the data produced by the Spanish police. However, it should be taken into account that the Spanish police force is not composed of one homogeneous body, but consists of various police forces whose competencies are formalized and developed within the framework of a particular autonomous community, or within the framework of a particular locality in the case of the local police. In this sense, this fragmentation is not always advantageous when it comes to the rigorous collection of information, because there are no common definitions shared by all of the police forces; and above all, each police constabulary may have their own criteria for specifically defining deviated behaviour. As a result, the collection of the data with respect to facts relating to the activities of gangs and their members is more indicative in nature than objective, due to the absence of rigorously established and shared defining criteria. Nonetheless, despite this disadvantage, the data presented below are the only existing data provided by the security agencies and they will allow us, although only as a rough guide, to understand the trends in the evolution of crime among Latin American gangs.<sup>3</sup>

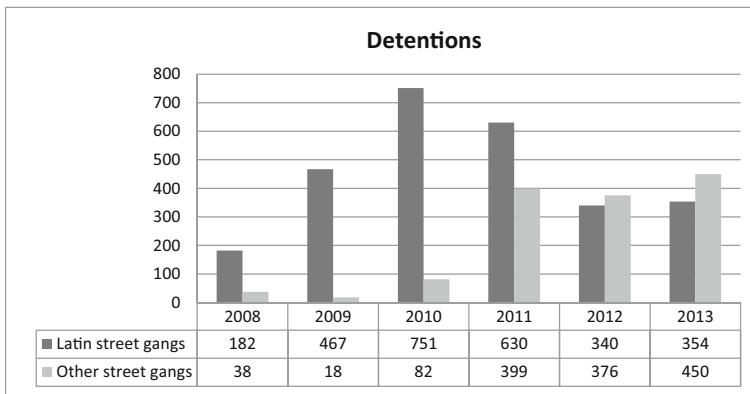
In this section we will see if Latin American gangs can really be portrayed as the main groups responsible for the lack of safety on the streets, taking into account the evolution of their criminal activities in comparison with other types of gangs. For this purpose, an analysis of police data on criminal activity of Latin American gangs will be performed, as well as contrasting their juxtaposition with the findings derived from the carrying out of different types of empirical work with respect to the nature and activities of these groups. This will enable us to better understand whether the increased punitive pressure towards Latin American gangs is legitimate and if it is backed by both statistical data as well as the data derived from the research carried out in this field.

As can be observed from the data presented in Fig. 1, the profile of gang members arrested by the police has changed since the year 2012. While Latin American gang members were subject to greater police attention before the period described, from 2011 onwards, persons belonging to other gangs began to gain greater prominence. It should be noted that we do not have complete, reliable information regarding the possible causes of such developments. For example, the changes could be related to a decrease in the total number of Latin American gang members in Spain together with an increase in members of other gangs, or, on the other hand, the difference may result from the greater difficulty the police have to arrest persons involved in the criminal activities of Latin American gangs at the same time as an increase in the visibility of the criminality of other gangs. To perform a complete analysis of this data further information is required. However, the existence of tougher penal control measures with respect to Latin gangs cannot be justified on the basis of an increase in the arrests of their members.

Furthermore, the data in Fig. 2 points to the decline of criminal activities of Latin American gangs, along with a high increase of criminal acts committed by other gangs. Once again, it

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<sup>3</sup> The data shown in the tables and figures of this study correspond to the National Police Corps, the Police Force of Catalonia (Mossos d'Esquadra), the Chartered Police of Navarre (Policía Foral), the Civil Guard and the Municipal Police. Therefore, the data presented in the tables and figures cover the entire Spanish territory with the exception of the autonomous community of the Basque Country, whose police force data (Ertzaintza) is not included

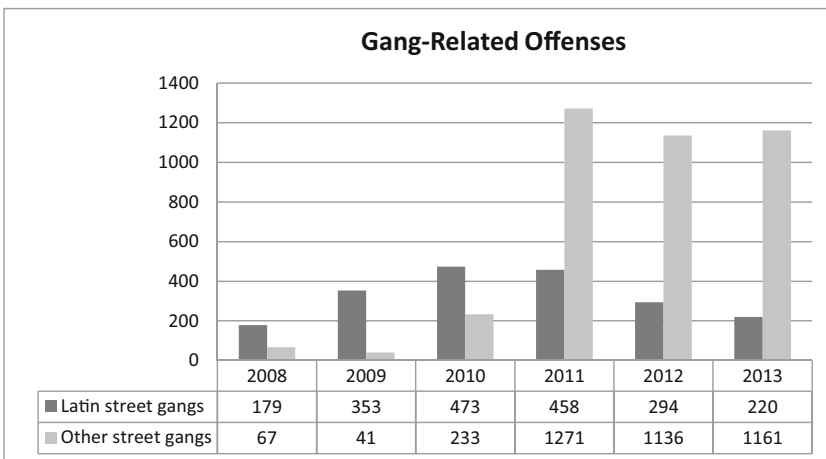


Source: Ministry for Home Affairs

Fig. 1 Detentions

should be noted that this figure does not supply all the information necessary to cover the subject completely. In this sense, the increase in the detection of delinquency carried out by other groups can be explained on the basis of the real increase in crime, or simply on the basis of a change in the procedures of Spanish police records that has triggered the detection of more delinquent acts by these groups. In any case, it can be seen that according to police records, Latin American gangs have begun to concede their prominent role to other groups.

On the other hand, criminalization of Latin gangs and increasing punitive pressure on them could be justified provided they committed a large number of serious crimes. Comparing the data of Table 1 below with the data of Fig. 2 above, it may be noted that homicides and murders occupy an insignificant place in the total amount of crimes committed by Latin street gangs. Although the number of crimes committed by Latin gangs is more than that committed by other youth deviant groups, lethal violence of Latin gangs in no way predominates in the general structure of crimes committed in Spain.



Source: Ministry for Home Affairs

Fig. 2 Gang-related offences

**Table 1** Gang related homicides and murders

Year		2008	2009	2010	2011	2012	2013
<b>Latin street gangs</b>	Homicides/murders	1	4	1	0	4	0
	Attempted homicides/murders	4	6	6	6	5	5
<b>Other street gangs</b>	Homicides/murders	0	0	1	1	2	1
	Attempted homicides/murders	2	0	1	3	2	1

**Source:** Ministry for Home Affairs

It should be taken into account that the Spanish police are not homogeneous; policing in Spain is carried out by a combination of national, regional and local bodies relatively independent of each other. So, there is no single conventional definition of gang homicides used by all police organizations. Certain police organizations use a gang-related definition and in this way a homicide is attributed to a street gang if the offender or the victim is a member of the street gang. On the other hand, other police organizations use a gang-motivated definition. In this case, a murder is attributed to a street gang only if the crime is either committed on behalf of the gang or is related to other members' joining the gang, or is a logical consequence of membership of the gang, or is a result of resolving a conflict between competing groups (Klein 2007:22; Maxson and Klein 1996). Thus, through use of the first definition, registration of homicides and murders committed by the gangs increases, while use of the latter definition means the total number of murders is reduced. This dichotomy should be taken into account when interpreting police data of all crimes committed by Latin gangs. In this sense, any of the above data should be viewed as referential, indicating dynamics in development of registered crime rather than its objective condition.

However, the data presented above suggests that the criminal behaviour of the Latin gangs cannot be considered the main threat to public safety, because other groups have started to gain greater prominence in their involvement in criminal activities. Nonetheless, in Spain there is a tightening of criminal policy with regard to Latin youth groups. Although in the last decade the level of youth crime in Spain has remained relatively stable (Fernández Molina 2013; Scandroglio and López Martínez 2013) and it is possible to even note a reduction in violent behaviour (Bartolomé Gutiérrez and Rechea Alberola 2006), the youth justice system has a more criminalized attitude to street gangs (Maqueda Abreu 2010). The prosecutors and police consider Latin gangs in the context of organized crime (Rodríguez Díaz 2016; Scandroglio 2009: 113), which lets various political forces demand intensified implementation of the deportation of members of these groups as a presumably effective measure against them.<sup>4</sup>

## Organizational structure of street gangs

Now we will direct our attention to the criminological findings with respect to the nature of street gangs in general and with regard to the results of the specific research carried out in

<sup>4</sup> However, there is certain scepticism about using deportation as an effective measure (Queirolo Palmas 2013b:31; Queirolo Palmas 2014c: 14–15). For example, deportation of street gangs members with their specific gang culture to countries of origin practiced in the USA in the 1990s contributed not only to the emergence and radicalization of gangs in other countries (Arana 2005; De Cesare 2003; Johnson and Muhlhausen 2005; Papachristos 2005; Reisman 2006; Zilberg 2011), but also weakened the collective efficacy of the immigrant community in the USA to control crime in its districts (Brotherton and Barrios 2011; Leyro 2013).



Spain on Latin American gangs. This will enable us to gain a better understanding of the features of these groups in relation to their organization and criminal activity, and will eventually provide certain arguments in order to be able to justify the tightening of the Spanish criminal policy or not.

In the academic literature, it is possible to find several prominent opinions regarding the level of organization of street gangs and the degree of their criminal activity.

On one hand, street gangs are viewed as well-organized groups whose main purposes include gaining economic benefits from their illegal activities and investment of those profits in their own group. According to some criminologists, street gangs are perceived as organizations with a high distribution of roles among their members, a strong leadership, strict discipline and subordination, an explicit and implicit code of conduct, etc. In this sense, street gangs are close to criminal *business enterprises* with a vertical structure internalizing criminal behaviour patterns to gain economic profit (Hagedorn 2001; Padilla 1996; Sanchez Jankowski 1991; Sanz Mulas 2006; Skolnick et al. 1990).

On the other hand, according to other criminological research, street gangs noticeably differ from organized criminal groups. It is emphasized that street gangs lack hierarchical structure, strict organization and strong leadership. Quite often, these groups have poor structural development, which determines the undefined nature of their subordinate relations. Inside the groups, there is neither a clear code of conduct nor distribution of roles among the members (Decker and Curry 2000; Decker and Van Winkle 1996; Fagan 1989; Gruter and Versteegh 2001; Hagedorn 1998; Klein 1995; Klein 2001; Klein and Maxson 2006; Mares 2001; Mccorkle and Miethe 1998; Miller 2001; Moore 1998). Although gangs, especially those with a relatively high number of participating members, can be divided into subgroups (cliques), the internal dynamics is almost always exclusively based on friendly relations between the members, which does not permit them to be considered groups with stable and effective organization (Decker and Curry 2000; Decker and Curry 2002).

It should also be understood that, as Thrasher noted (1927/1963:54–58), there are no absolutely identical groups. All street gangs are different: their organizational characteristics differ and they have certain peculiarities, not only in different countries, but also within the same nation (Weerman and Decker 2005). This means it can be said that street gangs are subject to evolution and undergo qualitative changes in their organization and level of criminal activity under the influence of external, primarily socioeconomic factors (Ayling 2011). Therefore, with time, street gangs may transform into groups similar to criminal organizations, which can be illustrated by Chinese street gangs (Chin 1996a; Chin 1996b; Chin 2001; Jackson and McBride 2000) or certain traditional street gangs (Klein and Maxson 2006).

Finally, street gangs can be viewed as groups that start undergoing qualitative changes and develop features of social movements. Certain groups can be in the process of identity transformation, which is expressed in the increasingly political orientation of their activity, where emphasis is made on protection of ethnic minorities' civil rights and resistance to the policy of exclusion of the lower stratum of society (Brotherton 2008; Brotherton 2015; Brotherton and Barrios 2004).

Furthermore, several opinions can also be distinguished concerning the role of criminal behaviour. According to the first point of view, street gangs are viewed as well-organized criminal groups specializing in the sale of drugs (Sanchez Jankowski 1991; Skolnick et al. 1990). According to the second point of view, street gangs are characterized by the absence of a strong criminal orientation (Decker and Van Winkle 1996; Hagedorn 1998; Huff 1996; Hughes 2006; Klein 1995; Miller 2001; Vigil 1988), by no specialization in criminal behaviour (Decker and Van Winkle 1996; Esbensen and Huizinga 1993; Howell and Gleason 2001; Huff

1989; Klein 1995; Thornberry et al. 2003; Weerman and Esbensen 2005) and by a lack of strong structural links with the sale of drugs (Bjerregaard 2010; Decker and Van Winkle 1996; Decker et al. 2001; Fleisher 1998; Fleisher 2001; Klein 1995; Monti 1994).

The adoption of a viewpoint as official by the law enforcement agencies is of great importance for criminal policy. For example, in the case where street gangs are viewed as well-organized high-functioning structures with strict distribution of roles among their members and high levels of criminal activity, it is highly probable that these groups will be typified as organized crime (Abadinsky 1987; Anderson 1997; Blanco Cordero 1999; Choclán Mantalvo 2001; Corte Ibáñez and Giménez-Salinas 2010; De La Cuesta Arzamendi 2001; Gambetta and Reuter 1997; Medina Ariza 1999; Morash and Hale 1987; Sanchez Garcia De Paz 2005; Schelling 1999; Zuñiga Rodriguez 1999).

Although the opinion that street gangs are not well-organized groups of high criminal activity prevails, this does not mean there are no gangs subject to evolution that with time can develop features of criminal organizations. However, in this case, the exception fails to prove the rule. Although the world of street gangs is rather heterogeneous, making it sometimes problematic to characterize this or that group, given that the degree of organization and criminal activity depends on a certain place and time, according to Decker and Pyrooz (2014), at least three features are distinguished characteristics for street gangs: cafeteria-style offending (versatile), street orientation (and corresponding high visibility) and lack of internal discipline. Although these authors who draw their conclusions almost solely from the American context view street gangs as criminal associations rather than associations of criminals, these three features play an important role in determining the nature of street gangs and distinguishing them from criminal organizations.

## Features of Spanish Latin street gangs

It should be noted that the above features recognized by Decker and Pyrooz (2014) are also typical for Spanish Latin street gangs. Latin street gangs in Spain are at the initial stage of development; they have weak hierarchical structure and poor organization (Kazyrytski 2010; Scandroglio 2009). These groups are viewed as gangs-in-process: street orientation, names, symbols and illegal activities are observed; however, these activities are not part of the group's core identity (Feixa et al. 2008). Empirical studies with a predominance in the qualitative research carried out with respect to the reality of the Latin American gangs in Spain show that they are far from being portrayed as strongly organized and highly criminal groups (Feixa et al. 2008; Feixa et al. 2011; Giliberti, 2014; Kazyrytski, 2010; Queirolo Palmas 2013b; Queirolo Palmas 2014a; Queirolo Palmas 2014b; Queirolo Palmas 2014c; Scandroglio 2009; Scandroglio et al. 2012; Scandroglio and López 2010).

Although the problem of Latin American gangs is not new in Spanish society, it is not yet possible to speak of vast empirical material derived from research carried out by academics in this field. While most of the studies have been carried out on the situation of gangs in Madrid and Barcelona, to a certain extent the results allow us to make some generalizations as to the nature of Latin American gangs and with respect to the links they maintain with criminal activities.

Among the research carried out, the ethnographic studies play an important role in helping us see different aspects of the functioning of the gangs more clearly. For

example, the work of Feixa and his collaborators is noteworthy for getting closer to reality regarding the Latin American gangs in Catalonia (Feixa et al. 2006; Feixa et al. 2008; Feixa et al. 2011). Also, a large amount of data derived from the ethnographic studies carried out by Queirolo Palmas (2013a, 2013b, 2014a, 2014c), who was in direct contact with both the gangs and the various institutions responsible for dealing with them for three years. As a result, some interesting research on the situation of Latin American street gangs in Catalonia was obtained which described the changes that these gangs undergo as well as enquiring into how these groups are formed. In addition, is worth highlighting the ethnographic research of Giliberti (2014), who studied the gangs in the suburbs of Barcelona for two years and the qualitative study based on semi-structured interviews carried out by Kazyrytski (2010) about police perception of the reality of Latin American gangs. With regard to the reality of the Spanish capital, the studies carried out by Scandroglio and her collaborators should be stressed (Scandroglio 2009; Scandroglio et al. 2012; Scandroglio and López 2010; Scandroglio and López Martínez 2013), who combining quantitative and qualitative methodology clarify the most important aspects of the operation of the Latin American gangs in Madrid. Finally, the theoretical works of Kazyrytski (2012) and Maqueda Abreu (2010), which were analytical in nature, should also be mentioned. They describe the problem of street gangs focusing on the increasing attention shown by the criminal justice agencies.

Latin street gangs in Spain are not associated with crimes that are characteristic of criminal organizations, such as the sale of drugs, the organization of prostitution or the sale of weapons (Giliberti 2014; Kazyrytski 2012). Although members of gangs can be individually engaged in the distribution of drugs, this does not constitute the collective activity of gangs (Kazyrytski 2010; Scandroglio 2009). Latin gangs cannot be represented as groups formed with special criminal purposes, since participation of their members in criminal activity is rather low. In many cases, violent behaviour is their only link with the deviant world. Victims of this violence are almost exclusively members of gangs themselves (Kazyrytski 2010; Scandroglio 2009), since this violence is a result of antagonistic relations between competing groups (Scandroglio and López 2010; Scandroglio et al. 2012) as, for example, *Latin Kings* versus *Ñetas*, which was brought to Spain from America. Conflict as the main component of the nature of street gangs was already recognized by Thrasher (1927/1963: 40-46) in research on such groups in Chicago. It should be highlighted that the ease with which groups become opposed to each other is still an important element to understand the violence of modern street gangs (Esbensen and Huizinga 1993; Fleisher 1998; Van Germet and Stuifbergen 2008; Vigil 1988).

Table 2 presents the most common crimes committed by Latin street gangs. As can be noticed, Latin street gangs are not characterized by specialization; their illegal activity is mainly associated with violent behaviour against competing groups and their links to the sale of drugs are insignificant.

One more feature should be noted that distinguishes Spanish Latin street gangs from organized crime. The purposes of criminal organizations are commonly associated with gaining economic profit from and monopolizing certain types of criminal activity (Abadinsky 1987; Anderson 1997; Blanco Cordero 1999; Bouchard and Morselli 2014; Choclán Mantalvo 2001; Corte Ibáñez and Giménez-Salinas 2010; Gambetta and Reuter 1997; Huff 1993; Morash and Hale 1987; Schelling 1999;

**Table 2** Most common offences carried out by Latin street gangs

Type of offence	2008	2009	2010	2011	2012	2013
Bodily harm	41	53	70	63	44	46
Threatening	8	18	26	17	18	20
Robbery with violence	29	21	38	19	10	12
Brawling	1	8	6	16	11	7
Possession of weapons	2	1	0	0	1	2
Property damage	4	0	2	1	3	1
Burglary	1	1	2	2	1	1
Theft	5	5	4	7	5	1
Drug dealing	0	0	1	0	0	0
Intimidation	1	5	1	1	0	1

**Source:** Ministry for Home Affairs

Zuñiga Rodriguez 1999), which has been reflected in the legal framework at international level.<sup>5</sup> Conversely, it cannot be said that the Latin American gangs in Spain are formed directly for criminal purposes.

When considering the purposes of the formation and the activity of Latin street gangs it is necessary to take into account that the aim of many young immigrants is to find their place in the new society and reach a position where their process of integration is free from the policy of exclusion by the state in general, and of the specific discriminatory or stigmatizing attitude of various institutions (Feixa et al. 2011; Queirolo Palmas 2013b).

Quite often, immigrants appear in a rather alien environment. The specific context where Latin youngsters find themselves is characterized by the following components: their residence in marginal districts, violence by radical right groups, the racist attitude of the police and other institutions, etc. These factors affect their conventional evolution and condition underachievement at school, the impossibility of successful employment and the frustration resulting from the lack of recognition by others. In this case, a young person will often join a gang in order to gain social status (Queirolo Palmas 2013b:42; Scandroglio and López Martínez 2013:107–108; Scandroglio et al. 2012), although future maintenance of this status can require the implementation of violent behaviour (Feixa et al. 2011: 153; Scandroglio and López 2010). While the gang itself does not solve any socioeconomic problems for a youngster, it is a way to remove pressure and obtain protection and patronage (Feixa et al. 2006; Giliberti 2014; Queirolo Palmas 2014a) or at least form a group that draws the society's attention to the problems of its members (Scandroglio et al. 2012). Latin street gangs in Spain have no criminal purposes and are not formed based on the internalization of criminal violent behaviour patterns; quite the contrary, the main aim of these groups is to compensate for the problems of identity, education and socialization of its members (Feixa et al. 2008; Scandroglio 2009:172).

In sum, Latin street gangs are not notably developed in terms of their organization and their activity is not expressly delinquent, which makes it doubtful to equate them to a criminal

<sup>5</sup> In connection with this, there can be named United Nations Convention against Transnational Organized Crime, A/RES/55/25 of 15 November 2000; Council of the European Union, Council framework decision on the fight against organized crime, 2008/841/JHA of 24 October 2008; Council of the European Union, 6204/2/97, ENFOPOL 35, Brussels, 21 April 1997

organization. However, insisting on their excessively criminal orientation increasingly prevails in the discourse of the law enforcement authorities, which contributes to the construction of a public enemy (Maqueda Abreu 2010). In this sense, the main responsibility for crime in residential areas in particular and public places in general is attributed to marginal collectives or groups (Sales i Campos 2014:44–45; Scandroglio 2009:14–15) within which street gangs are the main actors (Kazyrytski 2010: 20; Maqueda Abreu 2010). It is assumed that active use of the media space by the police to identify and determine social (criminal) problems, as well as insisting on the implication therein of Latin street gangs serves not only to strengthen the public consensus on who is responsible for its insecurity, but also to increase legitimacy of intensifying punitive control over street gangs (Queirolo Palmas 2013a; Scandroglio 2009: 15). In view of this, the spread of myths about the nature of Latin street gangs and, particularly their exclusive criminal orientation, begins to configure Spanish public opinion, which increasingly insists on strengthening the prosecution of youth crime (Bernuz Beneitez and Fernández Molina 2012) and ultimately camouflages the revision of criminal policy in an exclusively repressive direction (Maqueda Abreu 2010).

## Conclusion

As has been observed in Spain, there is a tightening of criminal policy with regard to Latin American gangs. However, such tightening can hardly be justified with the police forces' own data, as these indicate that these groups start off with less involvement in criminal activities in comparison with other types of gangs. Furthermore, criminological studies conducted in this field show that the nature and the organization of Latin American gangs do not justify them being portrayed as highly dangerous and as criminals.

Latin street gangs in Spain cannot be considered criminal organizations. They are not well-organized, they do not specialize in the commission of crimes and their main purpose is not to gain material profit from illegal activities. Although these groups can rather actively participate in committing crimes, they fall behind other deviant groups. The level of involvement of Latin street gangs in homicides remains quite low. However, recently, in Spain, prosecution of these groups has become tougher: the laws have harshened and the repressive nature of the entire law enforcement system has intensified. Thus, it can be assumed that the phenomenon of Latin street gangs and their negative connotations is a social construct rather than reality.

Obviously the generalized nature of these findings, which are derived from the intrinsic limitations of the research conducted, has to be understood. This study analyses secondary data, which does not allow us to answer one of the main questions derived from the study: If Latin American gangs are not considered highly organized groups with a criminal orientation and their participation in illegal activities has started to be overshadowed by other groups, why does the persecution of these specific gangs take on such a crucial role in media debates, in forming criminal policy and in police action? I believe that future studies should pay more attention to carrying out qualitative research with the aim of collecting data from both the main agencies responsible for the implementation of the criminal policy in this field, as well as the different types of professionals involved in dealing with the problem of gangs. This would enable further vision as regards the reasons behind the main changes to the way street gangs in Spain are dealt with.

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