

Community Prosecution and Human Trafficking: A New Approach to a Dynamic Challenge

Original Article

Community Prosecution and Human Trafficking: A New Approach to a Dynamic Challenge

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Abstract: Human trafficking is a multibillion dollar industry. It shows no apparent signs of slowing down despite the increasing amount of resources which are allocated to combatting the crime. Top down approaches implemented by governments are not adequate. This article will explore how prosecution of this particular crime has proven difficult however; one approach that could disrupt networks is community prosecution. Community prosecution allows all stakeholders: the general community, civic organizations, faith communities, and business people to contribute to the wellbeing of their communities. As will be discussed throughout this article, community prosecution is the communion between local communities, law enforcement, and prosecutors to find resolution in novel and holistic approaches to difficult problems. This article will explore the current framework of combating human trafficking and then discuss what community prosecution is. The author will then highlight how community prosecution has been used in various contexts and the author will conclude by analyzing how community prosecution can contribute to resolving human trafficking challenges in local communities.

Keywords: community prosecution, trafficking in persons, Trafficking Victims Protection Act, Palermo Protocol, law enforcement

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Introduction

Human trafficking survivor narratives are vast and varied. In different parts of the world, many survivors have empowered themselves to share their stories through social media, speeches, interviews, and support groups. These narratives form a critical piece of understanding the true complexity of how human trafficking, in all its iterations, occurs. The complexity of each survivor narrative adds a dimension to human trafficking that in many instances, unfortunately, shows how law enforcement may not be able to detect this atrocious crime. For example, in a recent interview a young survivor recounted how her friends became pimps and forced her into sex trafficking when she was 16 (Milkovits, 2014). She was continuously drugged and the pimps were savvy enough to move to different places where indoor prostitution was legal (Milkovits, 2014). In some cases, it is the relative of the victim or people who may be in close proximity that will be engaged in the business of trafficking which creates a situation that leaves the victim unable to report what is occurring or seek help (see Talamo 2016; Carino 2015). There are many narratives even within the world of labour trafficking that highlight nuances and dynamic factors that change the way traffickers operate to keep their multi-billion dollar business afloat (see Hargreaves 2013; WCL 2013).

While each victim narrative is important in identifying the perpetrators, these narratives also underscore an important dynamic of the U.S. justice system. The U.S. criminal justice system *reacts* to the crime, which in turn is supposed to *deter* the crime from happening in the future as a result of punishment. The author submits that this particular framework of *reactionary* justice is not suited to respond to the dynamics of human trafficking, but rather, a more fitting framework to address this dynamic and unfortunately evolving crime is a *proactive* approach, such as community prosecution. This article will examine the community prosecution model. Community prosecution is a tool that has been used in the United States to address challenges relating to crime arising in communities. The model has not been applied so far, as the research shows, to address human trafficking. The author will begin this article by exploring the current framework human trafficking operates in and a discussion about current data. The author will then delve into a brief discussion around novel responses to human trafficking. The author will subsequently turn her attention to the community prosecution model and elaborate on how this model has been applied in communities facing an enormous amount of crime. The author will evaluate positive contributions and areas of opportunities for community prosecution. Finally, in conclusion, apply this model in the context of human trafficking, marrying both community prosecution model with the traditional criminal justice model.

Current Human Trafficking Landscape

Prior to delving into a discussion about community prosecution it is important to highlight some of the challenges that exist in the current framework. The author will briefly discuss (1) the definition of trafficking (2) misconceptions about trafficking and (3) accuracy of data. Hereafter, these three challenges will be referred to the “current framework”.

Definition

Human trafficking or trafficking in persons is defined under the Protocol to Prevent, Suppress, and Punish Trafficking in Persons (hereinafter Protocol). The Protocol defines trafficking in persons as:

the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.

Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs (Article 3a).

This broad definition indicates that trafficking in persons can encompass other forms of trafficking, such as sex trafficking, organ trafficking, and forced labor. It is also broad enough that it can encompass newer forms of trafficking when they arise. Some criticisms of the Protocol's definition include that it can lead to confusion because it is difficult to identify the victim and that there is a need to “increase efforts to ensure that the Protocol’s definition of trafficking in persons is the one that is not only understood by all but also applied in practice by all those actively involved in combating trafficking” (Danziger, 2004).

In the United States, the Trafficking Victims Protection Act (TVPA) does not define human trafficking. Rather it defines, more severe forms of trafficking like sex trafficking and forced labour. The U.S. federal definition is narrow and is heavily utilized in U.S. anti-trafficking policies and programs (Siskin and Wyler 2013: 2). This definition does have an enormous impact on the ranking of countries in the State Department’s Trafficking in Persons (TIP) Report which is issued yearly. The TIP Report categorizes countries based on a tier which is mandated by the TVPA and it states the narrow definition in the TVPA is consistent with the Protocol (TIP, 2017: 25-26).

For the purposes of this article and despite the criticisms presented of the Protocol's definition, the author will use this definition to apply the community prosecution model in the context of human trafficking. The reasons for this are simple, besides the international consensus that was achieved to reach the Protocol's definition; working with a broader definition will allow communities and law

enforcement a bigger range with which to apply community prosecution. Further, the U.S.'s narrowness with regards to the TVPA, at this juncture is more harmful in truly addressing the problem because many victims will fall out of the federal legislation, thus skewing data and perpetuating myths about what human trafficking looks like.

Misconceptions

Misconceptions concerning human trafficking are prevalent and can prevent effective law enforcement. The nature of human trafficking evolves into new forms and makes it difficult to keep up with (see Hayden 2017). This poses an enormous challenge to those in law enforcement and other sectors in society because it means letting go of stringent categories and ideas of what the victim may look like, what kinds of victims are targeted, and assuming human trafficking is obvious and detectable. In the status quo common myths are “human trafficking only happens to migrants,” specifically undocumented migrants and if “victims will ask for help” it will stop (National Human Trafficking Hotline 2017). Even awareness raising campaigns can create myths about human trafficking. In a recent virtual debate on the effectiveness of awareness raising campaigns two commentators noted, “unfounded, misleading and self-serving representations of trafficking and slavery have also had far-reaching consequences at the level of policy and practice” (Quirk and Davidson, 2015). These myths or inaccuracies in portraying trafficking in persons as a crime naturally causes an impact on data gathered and collected.

Data

Several factors contribute to the data problem.

Besides the scale of trafficking... the victims' frequent reluctance to report crimes or testify for fear of reprisals; disincentives, both structural and legal, for law enforcement officers to act against traffickers; a lack of harmony among existing data sources; and the unwillingness of some countries and agencies to share data (Laczko, 2002).

Some commentators suggest:

[a] preoccupation with estimating the total number of victims in a whole country

or region (or the world as a whole), rather than in a specific sector of the economy or affecting a specific social group, has meant that the predicament of groups of people who are known to have endured near-slavery for decades is being drowned out (Dottridge, 2017).

The current framework which is utilized by law enforcement and prosecutors creates an ineffective response to human trafficking. While capturing perpetrators of human trafficking is no easy task, law enforcement may not be educated on current developments in human trafficking legislation on a local or national level. In turn, officers may believe that human trafficking happens in their

neighborhoods but are ill equipped to detect the problem (see Farrell, et al, 2016). Prosecutors are similarly situated and may face difficulty in prosecuting trafficking cases. In one study conducted the results found:

Interviews with state prosecutors confirmed they were generally unfamiliar with human trafficking laws and struggled to define the concept of human trafficking beyond the prostitution of minors (just one of the legal elements of trafficking). Labour trafficking cases were particularly challenging for state prosecutors because some states defined labour trafficking offences separately from sex trafficking offences of adults, and required different legal elements for these crimes, particularly with minor victims (Farrell, et al, 2016: 54).

The measure used to determine a prosecutor's success may also explain the above findings. Whether a prosecutor is successful is determined by "the rates of cases pursued, percentage of convictions obtained, and average sentence lengths" (Miles, 2013:121). The current framework will be revisited later in the article when community prosecution model is applied to a situation involving human trafficking.

Novel Approaches to Human Trafficking

Various sectors of civil society have capabilities to detect trafficking and different forms of exploitation because of the nature of their industries or because of the partnerships they have forged at a local level. The programs described below may be in response to the criticism lodged by advocates who say that the "law enforcement centered approach" fails the needs of the victim (Todres, 2011: 459). These programs highlight the ability of diverse local communities to engage in the issue and respond with a more nuanced approach to trafficking in their localities with the partnership of law enforcement. Truckers against Trafficking (hereinafter TAT) is a nonprofit organization in the United States, that is sponsored by UPS, Peterbilt, Volvo and other like companies to train truck drivers to detect and spot exploitation and help the lives of those being trafficked. TAT has different programs that address human trafficking. One program offered is the "The Freedom Drivers Project" where a truck is driven to different locations and educates law enforcement and other people in the transportation industry through a virtual exhibit how human trafficking operates. Another TAT program is the "TAT Coalition Builds" which involves two phases that have the trucking industry and law enforcement work together. This coalition aims to educate and train truckers on human trafficking as well as implement a mechanism to create "anti-trafficking" culture in the states that implement the program.

Prajwala, a nonprofit organization in India, rescues, rehabilitates, and reintegrates victims and survivors into society. Prajwala's success in locating victims and capturing traffickers can most likely be attributed to their advocacy campaigns and "community based prevention" (CBBP) campaigns. The CBBP teams "take up sensitization of communities in high source areas as part of

anti-trafficking campaigns. By targeting adolescent girls, men and women from all walks of life from places slums, schools/colleges, villages, institutions, and trade unions, the team creates awareness on how they can play a role in preventing their own from being trafficked” (Prajwala). This educates various groups within society on the nature of the crime. As a result of these initiatives, Prajwala members learned that one of the main sources of demand for sex trafficking came from rickshaw drivers and industrial employees as a result Prajwala implemented “M.A.D.” or Men against Demand. This program focuses on this particular area of demand and works closely with the community, victims, and law enforcement to respond effectively.

TAT and Prajwala both share components that an effective community based prosecution model will have. They highlight how community based responses formed through coalitions can target the source and demand of human trafficking for that particular industry or community. These programs also help to address the problems in the current framework. Holistic approaches are needed to combat this crime and community prosecution is a method that integrates the knowledge of different stakeholders from civil society to work alongside law enforcement and prosecutors to actively and continuously disrupt criminal networks from profiting in this heinous crime.

Defining Community Prosecution

“Community prosecution” is a term that has been adopted in the U.S. criminal justice system and it appears to be born from the concept of community policing. Community policing was likely derived from the “broken windows theory” (E.B., 2015) in the 1980’s. George Kelling (criminologist) and James Wilson (social scientist) studied foot patrols in New Jersey. In their essay published in *The Atlantic*, they argued that “disorder and crime are usually inextricably linked” and therefore if there is one broken window^[1] in a building and it is left unrepaired, other windows will subsequently be broken (Kelling and Wilson 1982). This theory had been tested previously by psychologists who were able to verify the theory with abandoned property. Kelling and Wilson found that “in response to fear people avoid one another, weakening controls” (Kelling and Wilson, 1981). They conclude that the police must be involved in protecting the community in addition to protecting the individual. It is perhaps from here that the idea of community policing inspired community prosecution.

Community prosecution has been broadly defined as “proactive approach to addressing crime and quality of life issues that brings prosecutors together with residents to identify problems and solutions” (Gray, 2008). There are four main principles with regards to community prosecution 1) recognizing the community’s role in public safety 2) engaging in problem solving 3) establishing and maintaining partnerships and 4) evaluating outcome of activities (NDAA, 2009).

These principles highlight the dynamic and flexible nature of community prosecution as it works to address current and future needs of the community and serves as a holistic approach to addressing criminal activity. Community prosecution, of course, is still married to the traditional

justice system; the prosecutor leads and law enforcement will conduct its normal course of business with regards to investigating and arresting perpetrators. Perpetrators would then be processed through the system.

There are six operational elements that distinguish community prosecution from traditional prosecution. Operational elements include 1) focus on problem solving 2) inclusion of the community's voice into the criminal justice system 3) partnerships with all aspects of law enforcement and the community 4) varied prevention and intervention methods addressing crime 5) clearly defined focus area and 6) an integrated approach of both reactive and proactive strategies (Nugent, 2004).

Given the operational elements of community prosecution it is clear that “[c]ommunity prosecution programs are not a one size fits all program, but is characterized more properly as a strategy for prosecutors to obtain crime prevention results”(Gray, 2008: 202). Given the dynamic nature of human trafficking, the operational elements of community prosecution appear to be a great fit in serving the needs of civil society in addressing a multifaceted challenge like human trafficking.

It would behoove us to look at some examples of community prosecution programs to determine whether some of the responses to crimes created by community collaboration and under the leadership of a prosecutor may offer a fruitful solution to human trafficking. The following examples are community prosecution cases which are within the United States the application of the broken windows theory in a disproportionate manner towards particular races. If this model is to be applied appropriately within the context suggested in this article, it is vital that a diverse cross section of civil society partake and continual education and training is given to law enforcement on how policing techniques impact various communities (See Childress S (2016)).

targeting drug trafficking, gang violence, and high crime rates. As of the writing of this article, no community prosecution model has been applied to combat human trafficking in the United States. However, the author submits that the current community prosecution programs implemented can use some improvement as a result of the current framework it also operates in.

Kansas City, Kansas

In the late 1990's a prosecutor in Kansas began working on the Paseo Corridor Project^[2] with federal organizations, local law enforcement, and civil society. The goal was to “clean up a 15-block area of Kansas City” which was ridden with “extensive drug and criminal activity” (Center for Court Innovation, 2005). The group was divided into smaller teams which in turn focused on “partnership agreement/monitoring, lease/rules and regulations, law enforcement, faith initiative, resident empowerment, and economic development” (Center for Court Innovation, 2005).

It was reported that the Paseo Corridor Project was able to accomplish a significant achievement as a result of coordinated efforts. In addition to creating connection among the community, the

results showed:

After the first year, the crime rate in the corridor had been reduced by 50 percent, and residents reported that they felt safer. A uniform lease agreement, rules, and regulations had been adopted by all multifamily properties. A nearby Weed-andSeed area was expanded to include the corridor, and over 25 abandoned buildings, sites of drug activity, had been demolished. A neighborhood liquor store began carrying more groceries and changed its name to a market. The Kansas City Police Department was denying signature bonds for incidents in the area, and the courts agreed to stiffer conditions of probation for prostitution-related crimes. Property owners and managers helped to change the Missouri Landlord/Tenant Law to expedite evictions for drug-related crimes in rental housing, and a landlord training program was set up to teach landlords and property owners ways of reducing drug and criminal activity in rental housing (Center for Court Innovation, 2005).

Two years after the project was implemented some setbacks occurred. The police faced retaliation by displaced drug dealers; but the community responded by increasing the amount of community programs which helped to stem the tide of violence once again (Noonan, 2005). In recent years the Kansas City No Violence Alliance (hereinafter NoVA) was formed to address crime and features the local prosecutor, federal prosecutor, the mayor, and chief of police. No reports containing data have been issued on the true impact of the Paseo Corridor Project.

Highpoint, North Carolina

In High Point, North Carolina, a prosecutor created a mechanism to address the prevalence of gang related shootings among youth (Glazer, 2000). The prosecutor met with gang members and made them offers to exchange their life of crime for employment. "After several gang members took up the offer of legitimate work, gang-related gun homicides dropped from eight to zero in the year following the meeting" (Glazer, 2000). High Point eventually formed the High Point Community against Violence which is similar in mission to NoVA from Kansas City. High Point's program offers an innovative course for citizens to learn from police and understand their methods in policing. The course, "Citizens Academy" uses the classroom to have police and citizens learn from each other regarding issues in the community and the formal curriculum includes a ride along with police.

Since the implementation of this particular community prosecution program, High Point has gone on to model other cities in addressing crimes such as domestic violence (Buntin 2016). While no specific data speaks of the success of the programs in High Point, criticisms regarding community prosecution in North Carolina have been answered by its prosecutors. Prosecutor Ben David stated community prosecution "involves being purposeful about how the public is brought into the system as witnesses, victims, and defendants. It also means being intentional about the messages that are sent back to the community through the handling of cases" (David, 2012: 377). High Point's continued successes and innovative programs are examples of what is possible with community commitment.

Pine Ridge Reservation, South Dakota

In 2010 the U.S. Attorney's office decided to venture into the world of community prosecution and implemented a program in tribal communities in South Dakota. The South Dakota U.S. Attorney laid out a comprehensive strategy which included (1) increasing prosecutorial resources to handle rising criminal caseloads, (2) increase cooperation with tribal courts and tribal elders (3) increase in cultural training for prosecutors and creating a diverse workforce, (4) focused strategies on violence against women and (5) strategies to develop youth leaders (U.S. Department of Justice, 2015).

This strategy presumably is in response to the condition the Pine Ridge Tribal justice system was in. The court system was "underfunded and understaffed" and there were not enough prosecutors to handle the caseload. In addition the lack of money and resources made problems worse for the "underperforming" court system (Garrigan, 2010). Tribal elders showed excitement over this program because of potential progress. Despite the excitement of the launch of the community prosecution program, in 2013 tribal officials at Pine Ridge reported an increase in suicides. It became evident that there was a severe shortage of mental health professionals (6 mental health professionals for up to 40,000 tribal members) (Bosman, 2015). Perhaps given their presence since 2010, the U.S. Attorney's office rolled out a joint federal-tribal working group in schools on bullying and related issues facing students (U.S. Department of Justice, 2015). In recent years the issue surrounding the poor education system has come to light with many emphasizing that the quality of education needs to increase as Native American students are "trapped in an all too familiar cycle of poverty, violence, and substance abuse"(Lee, 2014). This issue may be the key to unlocking the problems with violence on the reservation. The continued presence of the U.S. Attorney may have a positive impact on these issues, but data or an assessment needs to be created and collected to determine the true impact.

In all three cases outlined above, while the goals of the community prosecution programs were to reduce crime and increase community involvement, the outcome and results are a mixed bag. A short discussion on drawbacks and challenges to community prosecution is warranted.

Drawbacks and Challenges

While each of the community prosecution programs outlined above are enormous undertakings there are clear themes in each of the examples. First, it is clear there is a lack of proper data which can assist in determining the effectiveness and what – if any - Achilles heel exists of an ongoing program. Prosecutors are keen to believe that community prosecution works and is effective, which may be correct, however, "... little hard data has been collected that clearly proves community prosecution's effectiveness in preventing and reducing crime. While some localized studies have made qualitative assessments, in general, evidence of success mainly remains anecdotal" (Gray,

2008: 210211). However, there are scholars who purport that community prosecution programs successes hinge on implementation, rather than data. Thomas Miles, who studied the data pertaining to community prosecution programs initiated in Chicago, Illinois stated,

Community prosecution appears to reduce certain categories of crime: murder, rape, and aggravated assault. Estimated declines for burglary and motor vehicle theft are socially meaningful but at the cusp of statistical significance. Other observed reductions, such as for robbery and disorderly conduct, are too imprecisely estimated to support firm statistical inferences. The impacts also vary widely by office, suggesting that community prosecution's effectiveness may depend on the manner of implementation (Miles, 2013: 120).

In order to be effective, community prosecution programs must be able to deliver a way to measure progress absent good feelings. In reality most of the successes and funding for these kinds of programs will hinge on data that can be used to discover benefits and measure losses.

These three examples also point towards the prosecutor taking a central role in the creation of community prosecution programs. Giving members of civil society more of a leadership role and forging partnerships with the prosecutor, as seems to be the case in Pine Ridge, South Dakota, may go farther in terms of continuity and commitment. Law enforcement and prosecuting agencies would be keen to remember that not all citizens have a deep appreciation or fondness for the criminal justice system. Current events in the United States and in different parts of the world have painted a picture of imbalanced relationships between law enforcement and citizens. Further, turnover rates within prosecuting and law enforcement departments could disrupt the continuity of a successful program. It is important that leadership in all these programs is balanced.

Finally, one drawback noted in all three cases is that the violence resurfaced. It may be an indication that a community prosecution program must be fluid and should be willing to move with the trends as opposed to being rigid. If law enforcement and prosecutors seek rigidity then there is no real reason to abandon the traditional (and defective) criminal justice model.

The community prosecution programs highlighted above probably faced funding challenges (Doolan, 2002: 552) and even challenges within departments on accepting these programs as legitimate solutions to combating crime. Regardless, the positive outcome of community involvement outweighs these challenges and criticisms. The author now turns to applying the community prosecution model, incorporating the challenges of the current framework, to build a model of what community prosecution applied to fact pattern involving human trafficking could look like.

Community Prosecution for Solving Human Trafficking

In 2013, in Virginia, the Department of Justice reported that a 14 year old girl had run away from home and was provided shelter by a man who in turn sold her to the MS 13 gang where she was drugged and sold for sex to MS 13 “clients” (U.S. Department of Justice, 2013).

Before beginning an analysis of how community prosecution could work in this case and similar cases such as this, it is important to revisit the broken windows theory. As discussed previously, Kelling and Wilson’s position was that one broken window left unchecked will lead to many others.

In this scenario, there are several broken windows. The first broken window is the runaway which could be expanded to the general issue of runaway children. Homeless youth in the United States is estimated at 1.3 million (National Conference of State Legislatures, 2016). While there are a myriad of laws that are intended to protect and serve homeless youth, in Virginia, the “overall count for the state also includes 322 unaccompanied youth, a slight drop from 330 youths in 2015” (Woosley, 2016). Homeless children do not have the protection or the economic means to survive and that puts them at greater risk of trafficking.^[3]

The second broken window that appears in this situation is child abduction. Although in this particular fact pattern the young girl appeared to voluntarily go into the man’s home, in Virginia, it is not uncommon for abductions to take place by MS 13 gang members (Hedgpeth, 2017). On a related note, sex offender status may contribute to this particular broken window if laws protecting the public from sex offenders are not enforced.

The next broken window is the health implications for this young victim and others like her. “[T]he health implications of sex trafficking are dramatic for trafficking victims and also potentially for their home communities and the communities in which they are forced to work” (Todres, 1993:465). To underscore the risk to public health further:

Whether a female enters the sex industry by choice or by force, fraud or coercion (as in the case of trafficking), the potential for harm to her physical and mental well-being and the potential harm to the male who engages in sex with her should be more than sufficient to require action if only from a public health perspective. After all, the focus of a public health intervention is to prevent and manage diseases, injuries and other health conditions through surveillance of cases and the promotion of healthy behaviors, communities and environments (Finkel and Finkel, 2015: 18-19).

Incorporating a public health layer in addressing human trafficking would be important considering, “the health sector has had limited engagement in trafficking dialogues and published literature on health and trafficking in persons, particularly theory, remains scant” (Zimmerman, et al, 2011).

Another broken window is the prevalence of street gangs. Particularly in Northern Virginia, gang activity, including those by MS 13, is “out of control” and gangs are fighting for control over territory or exacting revenge for the murders of their members by rival gangs (Noble, 2017). The community prosecution programs in High Point, North Carolina show that a possible solution to

stemming the tide is addressing unemployment among young adults so that recruitment efforts are hindered, disrupting the increase in gang activity. On a related note, mental health of offenders and victims would be another broken window. Different areas within Virginia, which are diverse and have a high student population has a high suicide rate (Spies, 2014: 12).

Now we turn our attention to what a community prosecution model could look like for this community. First, all important stakeholders would have to be assembled so that the problem is addressed from a holistic standpoint. This could include healthcare providers, transportation workers, teachers, parents from different neighborhoods, law enforcement, prosecutors, and ideally former gang members or people familiar with gang operation. The next pertinent step would be to apply the current framework generally in order to ensure that the message of the program is clear and the same goals are shared. The stakeholders would define what it is they are hoping to achieve from the program when addressing human trafficking, or in this situation, sex trafficking. Depending on the focus, educational programs need to be in place in order for the community not to operate under misconceptions about trafficking and related crimes. Finally, stakeholders and particularly the prosecutors must develop a system for what they will be tracking in order to measure the effectiveness of programs developed under this program and in order to determine which issues truly stem from human trafficking and what other issues may need attention as a result.

This particular community prosecution program may end up with a multi-prong approach to addressing trafficking in persons or more narrowly focused on sex trafficking. Programs may include general education on trafficking both in schools, colleges, and through religious institutions. Further, different community partners may be involved in cooperating with law enforcement to ensure that trafficking is disrupted. This would include working with hotel owners to be more mindful of who they rent rooms to, working with transportation departments in ensuring employees know how to identify victims and possible perpetrators of trafficking, working with existing NGO's and organizations to grow existing programs that may be in place for the care of victims. One of the most overlooked programs that could be offered are primary care programs for victims and training for health care providers in ensuring that trafficking does not exacerbate existing public health problems. Finally, identifying factors that cause gangs like MS-13 to grow in particular areas will be an essential component of this particular program. This may entail closely working with educators and youth leaders to identify what kinds of programs may be effective in this regard.

If perpetrators are identified then law enforcement and prosecutors can work through the traditional justice system to ensure no impunity occurs for these heinous crimes. The traditional criminal prosecution in this particular fact pattern was successful, but there are many variables that could have caused the prosecutor to lose the case, including victim intimidation by the defendant, victim recalcitrance, or fear. In this particular case, the perpetrators were sentenced to prison (U.S. Department of Justice, 2013).

In theory, the community prosecutor acts as a neighborhood guardian. A prosecutor who has

intimate knowledge of their communities can allow them to be effective ministers of justice. A community prosecutor and society's work in examining one issue, can uncover a host of issues that truly surround the crime of trafficking.

Conclusion

The author's goal in writing this article was to introduce readers to an untraditional response to human trafficking. While some countries have turned to models like community courts to reach out and integrate the justice system with holistic community models, the United States has ventured into using community prosecution programs in order to gain a stronger foothold on the crimes that occur. Community prosecution offers a novel method of addressing trafficking which is dynamic and changes in a rapid manner in order to keep up with demand or create new revenue sources. Difficulties arise when addressing human trafficking prosecutions through a traditional prosecution lens. Community prosecution of human trafficking may create a space where holistic approaches and many broken windows can be fixed in order to stem the flow of this prevalent crime.

As discussed in this article, human trafficking in the status quo suffers from definitional problems in that people have a hard time understanding or deciphering the distinctions within the crime, including prosecutors who are tasked with bringing criminals to justice. This article also highlighted several benefits to utilizing community prosecution, as noted in three examples from the United States, which are community involvement, deeper assessment of criminal problems, which in turns provides long lasting solutions to stopping criminal activity. More importantly community prosecution allows everyone to be a stakeholder and could be the dynamic solution needed to address trafficking in persons.

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[1] The author notes that there are critiques that exist of the broken windows theory since its inception, particularly

[2] For a full in depth look at the program launched in the Corridor, see Coles C and Kelling G (1997).

[3] A study conducted by the Covenant House supports this theory:

<https://d28whvbyjonrpc.cloudfront.net/s3fspublic/attachments/trafficking-study-final.pdf>