Bullies behind bars?

By Carmen Moreis

Laws making bullying a crime are becoming the go-to solution. Instead of detention, kids could land in jail. Will harsh punishments stop the bullying epidemic?
On a cold January day in 2010, 15-year-old Phoebe Prince was walking home from her high school in South Hadley, a small town in Massachusetts. Suddenly a car pulled up beside her. It was filled with kids from her school—the last people on earth Phoebe wanted to see. As Phoebe quickened her step, one of the girls threw a soda can at her, shouted an obscene insult, and laughed as the car screeched away.

For more than three months, this girl and her friends had been tormenting Phoebe, a recent immigrant from Ireland. They stalked her through the school hallways, called her names, encouraged other kids to exclude and harass her, and threatened to beat her up. The abuse continued on Phoebe’s Facebook wall, where the girls posted cruel messages and humiliating rumors. Phoebe had told her mother about the harassment, and her mother had complained to the school. But the torment went on. That afternoon, after Phoebe got home, she texted her friend:

“I can’t do it anymore.”

Later that night, Phoebe killed herself.

Phoebe’s suicide devastated her family and shocked her small town. But it was what happened next that made headlines around the country. Within weeks, the kids who had bullied Phoebe—four girls and one boy—were arrested. They were charged with crimes that included stalking and harassment. If found guilty, the students faced as many as 10 years in jail.

Their arrests sparked a heated national debate.

Yes, what happened to Phoebe was a tragedy, and her tormentors should be punished. But did they deserve to go to jail? Would a law have stopped them?

Today, nearly three years later, the controversy rages on.

A Staggering Problem

Bullying has always been a fact of life in American schools. For generations, people accepted that bullying was simply a part of growing up. Some kids were going to be bullied—those who were different, brainy, awkward, eccentric—and this was just an unavoidable part of childhood, like falling off a bicycle.

But in recent years, attitudes have changed. Study after study has shown how deeply damaging bullying can be. And many believe that the problem has
become more widespread. Today, nearly 30 percent of all teens report that they have been bullied. For gay teens, the scope of the problem is truly staggering—9 out of 10 gay teens say they have been bullied in school, often violently and relentlessly.

Many states and schools have been struggling to address the problem, mainly through education programs. But Phoebe’s case triggered a national outcry for stronger action.

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laws that make bullying a crime punishable by jail time. Since then, 49 out of 50 states have passed antibullying laws. Many of the laws require school districts to provide antibullying education and to enforce strict punishments for bullying. But seven states go much further by criminalizing bullying. In North Carolina, for instance, a teen who creates a fake online profile and then uses it to bully someone can be arrested. In Massachusetts, continually harassing someone—as Phoebe’s tormenters did to her—is now officially a crime that could lead to a jail sentence. In states with these laws, kids found guilty of bullying crimes could end up with criminal records, which they would be required to reveal on college and job applications.

Failure to Protect

Many of the people supporting these tough state laws are parents of victims and the teen victims themselves, like 15-year-old Chelsea Little and her mother, Angela Stagge. Chelsea had been bullied since middle school—harassed in school and on Facebook. Yet her mother’s repeated complaints to the school did no good. The abuse continued, until Chelsea finally left school and completed ninth grade online. This summer, the Stagge family
moved to a neighboring town so Chelsea could go to a new school.

Chelsea's experience led her mother to believe that many schools aren't adequately equipped to protect victims of bullying. "It's too big a problem for the schools to handle," Stagge says. The organization she founded, Bullying for a Change, is devoted to pressing for tougher state laws, which Stagge believes will protect other kids from the suffering Chelsea and others have had to endure.

But many experts don't believe that tougher state laws are the solution. Many studies have shown that effective bullying programs focus not on punishment, but on changing the social climate of the school. These programs are designed to make kids more empathetic, more accepting of differences, and more likely to stand up if they see a friend being picked on.

The best programs are often led by students, like one in Canal Winchester Middle School in Ohio. There, it's the teens who speak up at assemblies about bullying and are recognized when they act as peacemakers. There's even a "wall of courage," where everyone is asked to share his or her thoughts about life and friendship. It is prominently located in the school's main hallway.

In the truly effective programs, bullies are punished, but in ways that have an immediate impact on their lives in and out of school. Students who harass other kids are yanked from activities, fired from school plays, banned from dances, and kicked off sports teams. Justice is swift. The message is clear to everybody: Being mean is not tolerated. Such punishments, say experts, are far more likely to "cure" a bully or discourage the behavior in the first place than are being arrested or sent to jail. In fact, arresting kids and putting them into the justice system can backfire, says

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Sameer Hinduja, co-director of the Cyberbullying Research Center. "Research shows that kids who are labeled as criminals often start to believe that they are criminals," he says. "Instead of changing for the better, they often commit more crimes."

Getting Justice

But what about extreme cases? Laws already exist to ensure that violent crimes are not tolerated. Nadin Khoury of Upper Darby,
Pennsylvania, was often picked on because of his small size. In January 2011, the 13-year-old was ambushed. Six classmates took turns kicking, beating, and dragging Nadin through the snow, while a seventh kid videotaped the 30-minute attack. The vicious ordeal ended only when a woman drove by and chased the gang away.

The next day, the police arrested Nadin’s attackers, hauling them out of school in handcuffs. They were charged with kidnapping and assault. Two went to jail; the others received probation. All now have criminal records.

As for Phoebe’s tormentors, the serious charges against them were eventually dropped, though all received probation for their crimes. Newspaper articles revealed that Phoebe had been grappling with emotional problems even before the bullying began. Though nobody questioned that the bullying caused Phoebe terrible distress, there wasn’t enough evidence to directly connect the bullying to Phoebe’s death.

But these five young people have paid a high price for what they did to Phoebe. The publicity made it impossible for them to remain in school. Their friends turned away from them. They received death threats from strangers around the country. Reporters camped outside their homes. When any of them appeared in public, crowds hurled insults at them.

They became national outcasts, bullied by the world just as they had bullied Phoebe.

Some might say this was punishment enough.
Quiz: Bullies Behind Bars?

DIRECTIONS: After reading “Bullies Behind Bars?” on pages 12-17 of this issue of Choices, answer the questions below.

1. How many states have passed antibullying laws?
   A) 30
   B) 49
   C) 50
   D) 4

2. Why is bullying—long a feature of school life—now receiving more attention as a problem to be addressed?
   A) Studies show that bullying can be deeply damaging.
   B) Many believe the problem is more widespread than before.
   C) Both of the above are true.
   D) Neither of the above is true.

3. If an embarrassing or negative picture or video is sent to you, which of these would be best to do?
   A) Send it to the person in the photograph so he or she knows what is going on.
   B) Pass it along to your closest friend but to no one else.
   C) Return it with a comment to whomever sent it to you.
   D) Immediately delete the image or video.

4. What does some of the research on kids labeled as “criminals” indicate?
   A) They start to believe that they are criminals and go on to commit more crimes.
   B) They try to change their behavior and become better citizens.
   C) They escape from jail.
   D) Their behavior does not change.

5. Many studies have shown that effective antibullying programs focus on which one of the following?
   A) jail time for bullies
   B) public humiliation of bullies
   C) acceptance of one another's differences
   D) advising those targeted to strike back

6. What happened to the kids who bullied Phoebe Prince?
   A) They lost many of their friends.
   B) They received death threats.
   C) Reporters constantly followed them.
   D) All of the above

7. What is cyberbullying?
   A) reading unkind posts about others
   B) repeating negative gossip while on the phone
   C) verbally threatening to hurt another in a public school building
   D) posting or sending of hurtful or threatening comments online

DIRECTIONS: Type your answers into the text box below each question. Use complete sentences.

9. In states that criminalize acts of bullying, what could happen to someone who is convicted? How might this impact his or her future?

10. What other Do's and Don'ts would you add to the “How NOT to Be a Bully” list on page 17 of this issue of Choices?
Critical-Thinking Questions

Bullies Behind Bars?

1. The opening paragraph asks whether putting kids in jail would worsen the bullying problem. How might criminalizing bullying make it worse?

2. Why is teaching empathy an important component of a good antibullying program?

3. Why do you think many of those who advocate for tough laws against bullying are teen bullying victims and their parents?

4. What does the author mean when she writes of the teens who bullied Phoebe Prince: “Some would say this is punishment enough.” Do you agree? Why or why not?