Bullies Behind Bars?

Many states are trying to solve the bullying crisis with tough laws and harsh consequences. Should teens be sent to jail for being mean?

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Bullies behind bars?

By Carmen Morais

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?

49 states have passed laws against bullying.

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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.

Within months of Phoebe’s death, Massachusetts passed 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 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.”

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.

Gettting 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.

You can destroy someone’s life by being mean—as well as your own. Follow these simple steps to stay on the kind side.

DON’T send or forward mean text messages or spread cyber-rumors—even if you’re just fooling around.

DO speak up if your friends are doing it. It’s not enough to ignore teasing or cruelty.

DON’T post or forward real or edited images or videos to try to hurt or upset someone. Not only is it mean, but it could be illegal.

DO delete any embarrassing or negative pictures or videos that get sent your way—even if you don’t know the person they’re about.

DON’T share personal information about another person. In some states, you could be arrested for it.

DO a reality check. If you think something may have gone too far, it probably has. Err on the side of caution.

DON’T make fun of someone online or log in to somebody else’s Facebook or e-mail account. Posting hurtful or threatening comments is cyberbullying, and it’s considered a crime in many states.

DO make sure you always log out of your accounts before you walk away from the computer. And never, ever share your passwords, even with your best friend.

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