

What Really Happened to Phoebe Prince?

The untold story of her suicide and the role of the kids who have been criminally charged for it.

By Emily Bazelon

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One week last October, Bill Evans, the assistant principal of South Hadley High School in Massachusetts, chose two students to read public service announcements over the loudspeaker as part of the school's participation in National Bullying Prevention Awareness Week. In selecting kids to read the PSAs, Evans thought about who would be a spokesperson that other kids would believe was speaking sincerely. He chose Sean Mulveyhill, a senior and star of the football team. "He was a natural selection—the kind of kid who would seek out someone having difficulty just to help him," Evans says.

In his PSA, Sean laid out four steps that victims of cyberbullying can take: Don't return nasty texts or IMs. Make copies of them. Set up filters to block the bully from sending more. Talk to a caring adult. Sean's message ended: "Remember that when you are targeted by a person or group of people, whether online or face-to-face, you are not alone and you can take action to make it stop."

"Sean read it. I think he meant it," Evans says.

Six months later, Sean Mulveyhill became one of five South Hadley students facing serious criminal charges for bullying Phoebe Prince, a 15-year-old ninth grader who came to the town from Ireland in September and killed herself in January. (Sean and a sixth student, Austin Renaud, were also charged with statutory rape.) The charges turned the six students into international symbols of callow teenage evil. Their names and pictures appeared on



Phoebe Prince opens a present. Image courtesy Darby O'Brien.

the evening news and on the national [morning shows](#). They were kicked out of school. Sean lost a football scholarship to college. They are all facing pretrial proceedings in September, with the possibility of prison time if they're convicted.

If you've read about the death of Phoebe Prince and its aftermath in [People magazine](#) or the [Boston Globe](#) or [Boston Herald](#) or the [Irish Independent](#), or watched [TV segments](#) about the case, the image of Sean reading an anti-bullying message might seem like further evidence that bad kids were running the show at South Hadley High. But what if that's wrong? What if Sean was in fact a strong kid who had looked out for weaker ones? What if there was no pack of [untouchable mean girls](#) ruling the halls of South Hadley High, as the *Boston Globe* column that kicked off national coverage of the case suggested?

BULL-E : THE NEW WORLD OF ONLINE CRUELTY

I've been reporting in South Hadley since February, as part of a [series on cyberbullying](#). There is no question that some of the teenagers facing criminal charges treated Phoebe cruelly. But not all of them did. And it's hard to see how any of the kids going to trial this fall ever could have anticipated the consequences of their actions, for Phoebe or for themselves. Should we send teenagers to prison for being nasty to one another? Is it really fair to lay the burden of Phoebe's suicide on these kids?

District Attorney Elizabeth Scheibel believes it is. The most serious charge against five of the teenagers—Sean, Ashley Longe, Kayla Narey, Sharon Chanon Velazquez, and Flannery Mullins—is [civil rights violation with bodily injury](#). Defense lawyers expect Scheibel to argue that Phoebe's civil rights were violated because she was called an "Irish slut"—a denigration of her national origin—and because the bullying interfered with her right to an education. The bodily injury, the defense lawyers say, is Phoebe's death by suicide. The maximum penalty for this charge is 10 years in prison. The teens are also charged with other crimes, including criminal harassment and stalking. All six teens have pleaded not guilty to all the charges.

My investigation into the events that gave rise to Phoebe's death, based on extensive interviews and review of law enforcement records, reveals the uncomfortable fact that Phoebe helped set in motion the conflicts with other students that ended in them turning on her. Her death was tragic, and she shouldn't have been bullied. But she was deeply troubled long before she ever met the six defendants. And her own behavior made other students understandably upset.



I've wrestled with how much of this information to publish. Phoebe's family has suffered terribly. But when the D.A. charged kids with causing Phoebe's death and threatened them with prison, she invited an inquiry into other potential causes. The whole story is a lot more complicated than anyone has publicly allowed for. The events that led to Phoebe's death show how hard it is for kids, parents, and schools to cope with bullying, especially when the victim is psychologically vulnerable. The charges against the students show how strong the impulse is to point fingers after a suicide, how hard it is to assess blame fairly, and how ill-suited police and prosecutors can be to punishing bullies.

Phoebe Prince moved to South Hadley last fall from a tiny seaside hamlet in County Clare, Ireland, where she'd lived since she was 2. South Hadley, a town of 17,000, has a sizable Irish population. It is home to Mt. Holyoke College, and Hampshire, Smith, and UMass are all nearby. But the academics tend to live in Amherst and Northampton. The parents in South Hadley are more likely to own their own businesses or work as nurses or teachers or cops. The town has a median income of about \$77,000 and is 94 percent white.

Phoebe came to South Hadley with her mother, who is a secondary school teacher, and her then-12-year-old sister. Phoebe's parents were separating; her father, a writer who'd gone into advertising, stayed behind. Phoebe missed him. In an [essay for English](#) class written in October, you can feel her longing for her father: "I curl up on a chair adjacent from my father making sure to be cosily tucked in near

Illustration of Sean Mulveyhill by Deanna Staffo.

BULL-E : THE NEW WORLD OF ONLINE CRUELTY

the fire. He puts down his book and says, 'Now what is on your mind tonight my dear?' ... No subject is off limits with me and my father."

Last fall, Phoebe went to the school library to find [Dante's Inferno](#) for a school report. When the librarian apologized for having only an old, inaccessible translation, Phoebe said her father could help her because he knew Latin and some Italian. But when she wrote about a book for English in October, she chose not a classic but [Cutting: Understanding and Overcoming Self-Mutilation](#), by the lecturer and psychotherapist [Steven Levenkron](#). In her [essay](#), she wrestled with the discussion of emotional pain in the book: "From a personal point of view I can see that Levenkron does truly understand the concept of self mutilation and how it's not about suicide in most cases it's about trying to transfer the pain from emotional to physical pain which is a lot easier to deal with for most adolescents who most likely don't even understand how they're feeling."

Phoebe's mother, Anne O'Brien, told the police that her daughter started cutting herself in 2008, while she was at a private Irish boarding school. A close friend of Phoebe's in Ireland told the police that she and Phoebe both had trouble with other girls because they were dating older boys. "Phoebe said she couldn't take the other girls ... at her every night," O'Brien told the police. "Phoebe was the type of kid who would never fight back."

When Phoebe's parents learned about the cutting, they pulled Phoebe out of boarding school and enrolled her locally at Mary Immaculate Secondary School, where O'Brien taught, [according to the Irish Independent](#). There, too, Phoebe had a falling out with a girl over a boy. "Eventually it got so bad that Phoebe went through three or four months where none of the girls would talk to her," her mother said. By February 2009, Phoebe was

cutting herself again, and in May she started taking Prozac, O'Brien told the police. (I tried to reach Phoebe's parents through a family friend and through their lawyers. One of the lawyers, Robert Leonard, called me back and said: "I would like to make clear our opposition to the publication of any non-public information concerning the decedent," meaning Phoebe.)

In South Hadley, Phoebe got a new start. Kids liked her. "She was really easy to make friends with, very sociable," a boy who was a ninth grader last year told me. "She hung out with whoever she wanted right away." She also thrived academically. "I thought I had my old Phoebe back," O'Brien told the police. "She was talking and participating and writing. She was excited that in this country you could talk and express yourself in class."

The narrative that's emerged since Phoebe's death is that because she was new to the school and popular with boys, a pack of jealous, predatory kids—"the South Hadley Six"—went after her en masse. But that's not the story the police interviews tell, and it's not how many of the students I talked to see it. Even kids who are relieved that Phoebe's death has pushed the school to do more to prevent bullying don't recognize the storyline that took hold in the media. "I'm upset and angry that bullying wasn't taken more seriously here before this," says Nina, almost 16, who was taunted for being a "poser" by a group of girls in middle school. (I have changed the names of kids who talked to me but have not already been identified in the press.) But Phoebe's death "has been turned into this Lifetime movie plot. It's so unlike what actually happened."

What actually happened, in the eyes of many of the students I've talked to, is that Phoebe got into separate conflicts with different kids. That doesn't excuse the other kids' bad behavior in response to Phoebe's actions. But it

BULL-E : THE NEW WORLD OF ONLINE CRUELTY

was one source of the trouble. Social scientists generally define bullying as repeated acts of abuse that involve a power imbalance. Is that what happened to Phoebe? "In the end you can call it bullying," says one adult at the school. "But to the other kids, Phoebe was the one with the power. She was attracting guys away from relationships." (Because of the hyper-publicity surrounding this case, I was able to talk to staff at the school only on condition of anonymity.)

The problems with other kids in South Hadley started around November. By then, Phoebe had met Sean Mulveyhill, now 18, who would give her rides to school. Sean was drawn to Phoebe. "I think Phoebe appealed to Sean because she seemed to gravitate toward deep conversations—let's talk about life," another adult at the school says. But Sean had previously dated 17-year-old Kayla Narey, a field hockey player who'd lost her father, a master plumber, two years earlier. Sean and Kayla were talking about getting back together. "It was a complicated thing," Sean told the police in late January. "Kayla and I were talking, but we weren't dating, I also was not dating Phoebe, but we were friends" who were intimately involved. In a statement that's typical of the positions the accused students' lawyers have taken publically, Colin Keefe, defense counsel for Ashley, [said in April](#): "When all the details become known, I am certain that my client will be cleared of these charges.")

Around the same time, O'Brien was letting Phoebe spend one night a week alone in their small apartment, while she and her younger daughter went to her sister's house in Springfield. After one weekend, O'Brien found out from a neighbor about a party Phoebe had hosted while she was away. Phoebe admitted

that some of the kids brought alcohol and were smoking pot. She said she had smoked hash. The police were called, some kids said in their police interviews after her death. O'Brien said she stopped letting Phoebe stay alone after that.

Also in November, O'Brien renewed Phoebe's prescription for Prozac and took her to be evaluated at Cooley Dickinson Hospital in Northampton, where a doctor prescribed Seroquel. The drug is used to treat mood disorders. A week or so later, Sean tried to break off his relationship with Phoebe. On the Friday after Thanksgiving, he drove to her house and they talked in her garage. Afterward

Phoebe came into the living room and told her mother she'd swallowed the bottle of Seroquel. O'Brien drove her to Cooley Dickinson Hospital in Northampton, talking to her daughter to keep her awake. Phoebe was hospitalized for the next week. A counselor at the school told the police she had gone into organ failure (which, according to psychiatrists I talked to, suggests she might have also overdosed on a medication like Tylenol).



In the beginning of December, Sean and Kayla started dating exclusively. About a week later, Phoebe came up to Kayla in school. She said that she knew Sean had told Kayla that he and Phoebe had had sex, and she was sorry. But Kayla hadn't known. She texted a breakup message to Sean. But she didn't turn on Phoebe at this point. "I thought it was brave of Phoebe to tell me that, seeing that she was new to the school and a freshman," Kayla told the police.

Sean and Kayla soon got back together, but Sean was angry with Phoebe; he thought she'd

Illustration of Kayla Narey by Deanna Staffo.

BULL-E : THE NEW WORLD OF ONLINE CRUELTY

tried to derail his relationship. When Phoebe came up to him in the hallway, he turned around and walked the other way. After that, he stopped talking to her.

In December, Phoebe became interested in another senior football player, 18-year-old Austin Renaud. His father had died suddenly a few years earlier, and that made him a good listener for Phoebe. "Austin was sensitive to Phoebe being depressed," says Christine, now 18, a friend of Sean and Austin. "She talked to him about it. They had a short-lived relationship and after that they were still friends." Austin told the police that he and Phoebe didn't have sex, but that she talked to him about her November suicide attempt. "She told me about her problems," he said. "She said she missed her father."

The problem with Phoebe's involvement with Austin was that he had a serious girlfriend—Flannery Mullins, now 17. Flannery mattered a great deal to Austin, students and adults say. "Austin was an angry kid for a long time," one of the adults at the school says. "But he had really come a long way. He was poised to get his diploma at the end of the summer. This thing with Phoebe, it appeared to throw him. Because he seemed really committed to Flannery. She was pretty well grounded and she had good connections in school with other adults. I think she was good for Austin."

One night in early January, Flannery made an apparent reference to Phoebe on her Facebook page. In an exchange with another girl who brought up an event they'd both attended, Flannery replied, "Hahaha best night of my life :) ya we kick it with the true irish not the gross slutter poser ones :)." A third girl asked if she counted as cute and Irish, and a fourth one chimed in "like meeee :)." Flannery answered,

"Yes I love you ... I think you no who im talking about :)." A couple of girls replied with a chorus of "hahas."

There is one corroborated eyewitness account of Flannery and Phoebe directly interacting. A friend of Phoebe's said that one day after the tension started over Austin, she asked Flannery not to go into a school bathroom because Phoebe was in there. Flannery went in anyway. (Other students said they saw this too.) The friend followed. Flannery was standing by the sink. Phoebe walked out of the stall without making eye contact. Flannery didn't say anything to her. The girls left the bathroom separately, Phoebe's friend said. (Other girls who implicated Flannery to the police give secondhand descriptions of alleged incidents that they didn't see. A couple of these

girls had themselves called Phoebe names on Facebook and Twitter, according to the police interviews.) "It doesn't appear that Flannery said anything to Phoebe in the bathroom," Flannery's lawyer, Alfred Chamberland, told me. "Everything Flannery was alleged to have said was never directly to Phoebe."



On Jan. 7, a gym teacher overheard Flannery venting about Phoebe during class in a way that made him think a fight was looming. The teacher told Bill Evans, the assistant principal, who, according to his interview with the police, talked to both Phoebe and Flannery, giving Flannery a verbal warning and counseling both girls to stay away from each other. After that, according to the school, Flannery steered clear of Phoebe. Nothing in the police records suggests otherwise. And yet Flannery is facing the same serious charges for bullying as the other kids.

Austin, for his part, isn't accused of bullying

Illustration of by Deanna Staffo.

BULL-E : THE NEW WORLD OF ONLINE CRUELTY

Phoebe—but [the statutory rape charge](#) he and Sean face carries a maximum three-year prison sentence. In Massachusetts the age of consent is 16. The state rarely charges 17- and 18-year-olds like Austin and Sean for having sex with a 15-year-old like Phoebe. But this time, Scheibel did just that. Why is Austin facing a statutory rape charge if he denies having had sex with her? I tried to ask Scheibel this question, but she didn't call me back. One of her deputies, Elizabeth Dunphy-Farris, said, "I'm not going to comment on any specific evidence. It's a pending investigation."



After Christmas break, Phoebe's problems at school worsened. On Jan. 6, Sharon Chanon Velazquez, now 17, who was in Flannery's chemistry class and saw Flannery as a friend, called Phoebe a "whore" in the cafeteria and "told her to stay away from 'people's men,'" according to student witnesses who spoke to the police. A few minutes later, before the bell rang for class, Sharon walked into a classroom where Phoebe was sitting and loudly berated her again. The teacher, who was sitting across the room, told the police she couldn't hear exactly what Sharon said, but saw that Phoebe was upset. She comforted Phoebe and reported Sharon, who received a two-day suspension. After Sharon was indicted, her mother, Angeles Chanon, [told](#) the *Boston Herald* of her daughter's interaction with Phoebe: "She exchanged a couple of words with her. 'My daughter never fought with her or said, 'Go harm yourself,' or 'I hate you.' "

Sharon's behavior and the school's reaction shows that while publicly calling out a girl as a slut wasn't condoned at South Hadley High, it wasn't entirely beyond the pale either. A few of the kids the police interviewed reported similar

incidents of kids "flipping out" on one another. One 18-year-old said she heard Kayla privately call Phoebe a "whore who wanted attention." "I didn't take what Kayla said that seriously because girls in my school get in 'bitch fights' all the time," she told the police.

(This might help explain a question that has plagued South Hadley since Phoebe's death: Why didn't other kids step in to protect her? None of the kids interviewed by the police reported what they saw to school administrators. Only one boy said he stuck up for Phoebe, by telling Sharon to stop insulting her.

One tenth grader told me about listening in class as Ashley Longe talked about going up to Phoebe to yell at her. (Phoebe wasn't there.)

"And everyone in the class was like, 'Good idea.' Or else we just sat there," the girl remembered. "No one said, 'Why?' or 'Don't do that.' It's so much harder to stand up for someone when you're actually in the situation than when you think about it afterward. Especially if you're not even good friends with them." This is a notoriously vexing aspect of bullying:

Research has long shown that bystanders rarely stand up to bullies or report them to adults. Some bullying prevention programs nod to realism by urging kids to walk away rather than stop a bully—at least that way you deprive the bully of an audience.)

Though Flannery and Sharon stayed away from Phoebe after the first week of January, the conflict with Kayla, Sean, and a friend of Sean's, 17-year-old Ashley Longe, flared up again. Around Jan. 11 or 12, according to several students, Kayla wrote something on Facebook to the effect of: *Know what I hate?*



Illustration of Austin Renaud by Deanna Staffo.

BULL-E : THE NEW WORLD OF ONLINE CRUELTY

Irish sluts. At this point, Phoebe was spending a lot of time with a third senior boy. He showed her Kayla's post, and he told the police that Phoebe responded to it, using his Facebook account, because she didn't have one. The post read something like *you shouldn't say that; you don't know her.*

Phoebe also showed this boy her cuts. "She lifted up her hoodie and showed cuts on her chest above her bra and all the way down to her hips," he told the police. "I really didn't look too long. I found it to be very painful. This was someone I cared about and she was harming herself. Phoebe asked for help healing them. I told her to use Neosporin but I wasn't too sure." Phoebe had chosen a confidant who didn't really know how to help her.

On Jan. 14, Phoebe came to school with a mark on her upper chest, visible above her shirt. She went to see the nurse and told her that she'd been smoking pot a few days earlier, and had dropped a hot pipe on her chest. The nurse didn't think Phoebe's story matched the mark, and she called Sally Watson-Menkel, a licensed social worker and the school adjustment counselor (she worked in the special education department but was available to other students with problems). Watson-Menkel had been in regular contact with Phoebe and her mother since the middle of November, she told the police, and she didn't believe Phoebe's story either. They talked about how to cover the mark for the school cotillion, which was two days away. Watson-Menkel told Phoebe they had to call her mother. "Phoebe said she was doing well and had made up her work and if I called her mom, she might not be able to go to Ireland"—an upcoming trip that was planned. When she and Watson-Menkel called O'Brien, Phoebe told her mother the story about the pipe and the pot and asked if they

could talk more about it when she got home. (Watson-Menkel declined to comment for this article.)

But Phoebe didn't speak to her mother again. When school got out at 2 p.m., she was subjected to a series of taunts from Sean, Kayla, and Ashley. This is the worst behavior described in the police interviews. It came entirely from three kids, not six—on this point, the D.A., students, and administrators agree.

Phoebe went to the library during lunch. She sat with a girl she was friends with and a senior boy who was helping her with math. At another table were Sean, Kayla, and Ashley. One of them wrote "Irish bitch is a Cunt" next to Phoebe's name in the library sign-up sheet. According to several students Ashley yelled "whore" at Phoebe and "close your legs" and "I hate stupid sluts."

(Ashley had a reputation at school for making trouble, according to students I talked to: She'd walked by other girls in the halls and hissed "slut" or "whore" at them for dating a boy that a friend of hers liked. She was well-known to administrators. South Hadley staff members say they had worked hard to convince Ashley that she could be the first person in her family to go to college. But she was always getting pulled into someone else's drama.)

At the end of the school day, Phoebe encountered Sean, Kayla, and Ashley again outside the auditorium on her way to the parking lot. According to student witnesses, Sean said, "Here she comes," and then Ashley called Phoebe a whore. Sean and Kayla laughed. A few minutes later, as Phoebe walked home, Ashley drove by her in a friend's car, yelled "whore" out the window, and threw



BULL-E : THE NEW WORLD OF ONLINE CRUELTY

an empty drink can at her. Phoebe cried as she kept walking.

About two hours before she died, Phoebe texted with the boy she'd sat with that day in the library. In one of several messages that speak to her feelings of desperation, she wrote: "I cant do it anymore ... im literally hme cryn, my scar on my chest is potentially permanent, my bodies fukd up wht mre du they want frm me? Du I hav to fukn od!" The boy wrote back, reassuring her that he would talk to Sean and Ashley and make them stop. "Who cares what other people think phoebe I know you're a good person," he wrote.

At home in her bedroom, Phoebe plugged in her cell phone to recharge it, perhaps because she hadn't entirely absorbed what she was about to do. Soon after, she hung herself in the stairwell with a black scarf woven with multicolor thread. Her sister had given it to her. After Phoebe's death, the police found several of her drawings. One of them shows a human figure with a noose around the neck. In a note drawn as if it was pinned to the body, Phoebe asked for forgiveness.

Part 2: The Aggressive D.A. Who Has Charged Six Kids in Connection With Phoebe's Death

In her [public statement](#) at the end of March justifying the criminal charges against the six South Hadley students, District Attorney Elizabeth Scheibel described the bullying Phoebe endured as a "nearly three-month campaign" of "relentless" and "torturous" bullying. But in the police interviews there is no evidence that the bullying was an orchestrated campaign or lasted for anything like three months. Scheibel also said of the teens: "Their conduct far exceeded the limits of normal teenage relationship-related quarrels."

This is crucial to Scheibel's decision to exercise her discretion in favor of prosecution. But I haven't talked to a single teenager in South Hadley who agrees with the D.A. that what happened to Phoebe was much out of the ordinary. They see the taunting and ugliness Phoebe experienced as a bad case of "normal girl drama," as several kids put it to me. And though it's hard to say so, because nobody, rightly, wants to blame the girl who died, many kids see it as normal girl drama that Phoebe contributed to. "Each person had his own conflict with Phoebe—that's what no one outside our school seems to understand," says Christine, the friend of Sean and Austin. "The girls found out she'd been with the boys, and true to high-school girls, they got mad at the girl instead of the boyfriend."

It is clear from the records that Phoebe's psychological struggles predated her involvement with Sean, Austin, and the others. The senior boy to whom Phoebe showed her cuts told the police, "Honestly, I'm not surprised by the suicide. Phoebe had a lot of emotional problems." He was right. Phoebe had a history of cutting and depression. She was dealing with a move across the ocean, her parents' separation, and her father's absence. She'd made another serious suicide attempt. According to the police interviews with a school counselor and nurse, she had gone off antidepressants before her death, and it's not clear whether she was still in therapy. She was asking for help from older boys who seemed ill-equipped to provide it and who don't seem to have told any adults what was wrong—not just Sean and Austin, but other boys, too. She resisted talking to her mother or an adult at school about her clashes with other kids, which psychiatrists I spoke to said is typical.



Illustration of Sharon Chanon Velazquez by Deanna Staffo.

BULL-E : THE NEW WORLD OF ONLINE CRUELTY

Prosecuting anyone for causing death by suicide is exceedingly rare. The American Law Institute's Model Penal Code holds that to win a conviction for "causing suicide as criminal homicide," the prosecution must show that the defendant purposely caused the suicide, by "force, duress or deception." (In the 1932 case [Stevenson v. State](#), the defendant kidnapped and raped a woman named Madge Oberholtzer. While in the defendant's custody, she took mercury tablets and killed herself. He was convicted of second-degree murder. Law students still read this old chestnut, but mostly because the theory behind the conviction—that a rapist can be held responsible for a woman's decision to take her own life—has been repudiated.) Harvard law professor Alan Dershowitz says he's never heard of a prosecutor achieving a similar goal by charging the defendants with a civil rights violation with bodily injury, as Scheibel has done in this case. (The Massachusetts statute broadly states that no person "shall by force or threat of force, willfully injure, intimidate or interfere with, or attempt to injure, intimidate or interfere with, or oppress or threaten any other person in the free exercise or enjoyment of any right or privilege secured to him by the constitution or laws of the commonwealth or by the constitution or laws of the United States." If bodily injury results, the penalty increases to the maximum of 10 years.) "That's a real stretch," he says. "People want to think that there's always legal accountability where there should be moral accountability. But in the criminal context, you should always err against overextending the law."

At the top of Scheibel's National District Attorney's Association Web [profile](#) is this anecdote:

A lawyer friend who has known her since kindergarten remembered how she beat up a bully who was picking on her younger brother, commenting, "Even in her youth she wasn't afraid to hold her position and pursue justice as she saw it."



Scheibel, who grew up in South Hadley and attended high school there, became the first female D.A. in Massachusetts when Gov. William Weld appointed her in 1993. (She replaced her then-boss, Judd Carhart, who presided over Sean, Ashley, and Kayla's cases in April.) She has since won election but is stepping down in November. When she announced her decision not to run for re-election, the *Republican*, a local paper, [commended her](#) for serving "ably and faithfully." But the editorial also mentioned Pottygate—an embarrassing dispute over a bathroom key between Scheibel and the Juvenile Court Clerk-Magistrate at the Hadley courthouse. Scheibel's office convened a grand jury to investigate the taking of the key after the clerk-magistrate sent a court officer to retrieve it. The D.A.'s office had apparently taken control of the key, and of bathroom privileges, when it expanded its courthouse office space. When the *Boston Globe* published a [story](#) about the grand jury investigation, Scheibel subpoenaed a *Globe* reporter and two defense attorneys. Judge John Agostini stopped the D.A. from subpoenaing the reporters in "what amounted to a ringing condemnation of the Northwestern District Attorney's office," the *Republican* [reported](#).)

For David Hoose, one of the Pottygate defense lawyers, the episode was part of a pattern. "There have been a number of cases in which

Illustration of Ashley Longe by Deanna Staffo.

BULL-E : THE NEW WORLD OF ONLINE CRUELTY

they have shown poor judgment,” he says of Scheibel and her office. Hoose represented Jack Robison, whom Scheibel charged in 2007 with felony counts that carried a maximum 60-year sentence when at age 17 he posted videos on YouTube in which he set off explosives in a field in South Hadley. Robison, who has Asperger’s syndrome, an autism spectrum disorder, started making model rockets as a child, says his father, John Elder Robison, the author of a best-seller about his own Asperger’s. After a [four-day trial](#) in June 2009, Robison was found not guilty of all charges. (Scheibel’s office also brought serious felony charges against Jason Vassell, who was accused of stabbing two men who entered the lobby of his UMass dormitory in February 2008. Vassell is black and was a student at the time; the two men are white and were not students. The D.A.’s office portrayed Vassell as the aggressor. But Vassell, who had no criminal record, said he was in his dorm room when the men yelled racial slurs at him from outside his window. Police reports cited by the defense say that the pair had a long history of violence and animal cruelty. After a group called Justice for Jason rallied around Vassell, prosecutors agreed to drop the charges if he served out his 2½-year period of pretrial probation.)

The Phoebe Prince case is not the first time Scheibel’s office has prosecuted a South Hadley student for bullying. The D.A. stepped in after another episode of student-on-student harassment at the high school that took place in May 2009, before anyone in South Hadley had heard of Phoebe Prince. This case, too, has led to serious criminal charges against a student.

This story started at prom. Martin (his middle name), then a 17-year-old junior, brought his boyfriend as his date. Other students treated them with respect. But a week later, when Martin was in line in the school cafeteria, he felt someone come up behind him and put a

hand inside the back of his pants. He felt a finger in his buttocks, he later said. Martin turned around. He saw a senior named Max Keith, whom he’d never spoken to, wildly laughing. Another student yelled, “Faggot.”

Martin was shocked. “I couldn’t believe someone would do that,” he told me. “I couldn’t believe someone would be so flat-out rude.” Neither could other students. “Every one of his friends was on my side,” Martin says. “Everyone said what he did was so fucked up he deserved to get in trouble.”

Martin quickly reported the harassment to the school administration. Principal Dan Smith suspended Max for the duration of the school year. He was not allowed to walk with his class to receive his diploma at graduation.

Martin told me he was “completely satisfied” with the school’s response. But Scheibel got involved nevertheless. Last summer, she indicted Max for indecent assault and battery, assault and battery with intent to intimidate, and a civil rights violation. Each charge carries a potential prison sentence. The most serious count, indecent assault and battery, has a maximum sentence of five years. A guilty finding would also require Max to [register as a sex offender](#).

In May, I went to the Eastern Hampshire District Court in Belchertown, Mass., for Max’s pretrial hearing. Martin had come to give a statement that a victim advocate from the state helped him prepare—his account of what had happened in the lunch line, and what it meant to him. During a break in the judge’s docket, I went up to Max in the hallway and asked him if I could talk to him about a Facebook posting he’d written on a page in support of Sean Mulveyhill. It read: “*IF sean hears about what is being posted on this with everything thats happeneing i can relate to him probably really well because i know what*

its like to fuck up and make a mistake an have your whole life spiral down wards on you in the blink of an eye."

"The reason I said that to Sean was to tell a friend I understand what he's going through and to keep his head up," Max told me. He continued, "I did something I shouldn't have done. It wasn't like I planned it. I didn't think."

An hour or so later, Assistant District Attorney Janine Simonian summarized the evidence against Max. She also explained that Max was already on probation. He'd thrown a party at his house at which there was drinking and tried to punch a police officer called to the scene by a neighbor. When Judge Maureen Walsh asked if the facts about his harassment of Martin were true, Max said yes.

Next, Martin stood to make his statement. Afterward, he told me his legs were shaking, but the week before, he'd played the starring role in the South Hadley High spring play, and his voice stayed firm. "I never thought that in my school, the place I feel most comfortable, I'd be assaulted and humiliated like this. After the fact, I didn't want to go to school," he said. "I'm very nervous about my deportment in public, to not let surrounding strangers know that I'm a homosexual." Martin ended by saying he agreed with the sentence that Simonian would propose. He hadn't asked for a criminal prosecution, but now that it was under way, he supported it.

Max's lawyer, A.J. O'Donald, rose. He reminded the judge of Max's suspension: "This is not a situation in which the school turned a blind eye," he said. He also noted that Max had written a letter of apology to Martin, which Max's family says a friend delivered to Principal Smith because Max was not allowed on campus. (What became of the letter is not entirely clear, but it does not seem to have reached Martin. "I've found that Mr. Smith has

no memory of what happened to that letter," O'Donald said. When I asked Smith about this later, he said that when he'd looked in Max's file for the letter, he didn't find it. "I felt very bad for the mom when she called me up about that," he said. It's not clear how much the letter would have mattered. Martin told me an apology wouldn't have made him feel better. "A lot of times the victims don't want to read these letters," Smith said. They're written because someone told the perpetrator to write them, and it's as if the victim is being abused again in some small way.") O'Donald described training Max was attending on diversity sensitivity. Then he said to the judge: "A conviction will trigger the registry. This will trail with my client every day, when he's 30 and he has a job and kids and his life is very different than it is now." He asked that the judge allow Max to plead guilty with a determination called "continuation without a finding," which would allow him to forgo a formal guilty finding and the sex offender registry.

Simonian stood. She asked for a one-year sentence, with 30 days served in prison and the rest probation, and for a guilty finding that would trigger the sex offender registry for [20 years](#). (If Max has a clean record for the next 10 years, he can then appeal to terminate the obligation).

Max swallowed hard as Judge Walsh began to speak. "I appreciate that Mr. Keith and his parents have made an attempt to show remorse," she said. "But Mr. Keith, there are some things that an apology doesn't fix. Your counsel asked me to think about the effect on your record when you're 30 years old. Now I ask you, Mr. Keith, when you're 30, if you have a son, what would you want done if he was a victim of an act like this? An apology doesn't give back what you took away. It never will. For the rest of time, the victim won't feel comfortable with strangers. Because of your assault and battery on him.

The Commonwealth's recommendation is more than generous."

Judge Walsh banged her gavel. Max and his family left to consult with his lawyer. When they came back, O'Donald announced that Max would not plead guilty.

Simonian asked for his probation to be revoked. The judge agreed. "You will be remitted into custody for seven days," she said. A sheriff approached Max. O'Donald asked for one day for his client to get his affairs in order. Judge Walsh said no. Max put his hands behind his back and the sheriff handcuffed him. His father stared straight ahead. His sister gave a long keening moan.

Simonian turned to Martin and his mother. I heard her tell them that if the case went to trial, she would take off the table her offer to drop the other two charges. Since Max has confessed to harassing Martin, it's not clear how he could avoid a conviction, and the sex offender registry. Kayla, Sean, Ashley, and Sharon, who all made statements to the police last winter without being read Miranda warnings, could face a similar challenge, though surely their lawyers will try to block the jury from hearing their statements if the cases go to trial.

Part 3: Could the South Hadley Schools Have Done More?

Michael Cahillane is a protégé of D.A. Elizabeth Scheibel and is running to succeed her when she leaves office in November. Until mid-June, when he stepped down to campaign, Cahillane worked on the cases against the six teens charged in relation to Phoebe Prince's death, a spokesperson for Cahillane's campaign named Matt Baron told me. Baron also said, "Mike's position is that D.A.s wouldn't have to bring



Elizabeth Scheibel, northwestern district attorney in Massachusetts. Image courtesy the Republican © 2010 the Republican Co. All rights reserved. Reprinted with permission.

cases like this if schools were doing their jobs."

In other words, Scheibel and her staff stepped in because they thought South Hadley High mishandled the lead-up to and the aftermath of Phoebe's death. Does that amount to penalizing teenagers because the adults failed to do so? Did the school do enough to keep a special eye on Phoebe, given her history? Did it deal too leniently with the students accused of bullying her? "We all abhor bullying. The question is how to prevent it and how to deal with it," says William Newman, director of the Western Massachusetts ACLU office, which is not involved in the bullying cases. "When it comes to bad behavior in and around schools, the criminal law is the last place to which we should turn. It is a grossly blunt instrument. It's horribly sad that Phoebe Prince committed suicide. But the question is, are there more lives that have to be irreparably damaged because of that?"

The South Hadley school district does bear some responsibility here. At the start of the school year, when Anne O'Brien enrolled

BULL-E : THE NEW WORLD OF ONLINE CRUELTY

Phoebe, she told a guidance counselor, Jane Rathbun, that her daughter had been bullied in Ireland, that her grades had suffered, and that she was taking antidepressants. Rathbun relayed some of this information to Sally Watson-Menkel, the counselor, and to Principal Smith, but the records suggest that the information may not have been given to other school counselors and administrators who might have been in positions to help Phoebe. Principal Smith and another counselor, Eileen Kakley, told the police about the school's Student Assistance Team, through which counselors, administrators, and the nurse meet to share information about students having academic, emotional, or behavioral issues. "The purpose is to discuss cases so that we are all on the same page," Kakley said. But she couldn't remember Phoebe's name coming up at any meeting the team held before her death last fall or winter, Kakley told the police, and confirmed to me when I spoke to her. It appears that there was no coordinated, broader effort at the school to help Phoebe. When I asked Smith about this, he said, "Individual support was being provided to Phoebe by the counselor and the nurse. It was happening at that level." After Phoebe's suicide attempt in November, he said, the school didn't see the need to do more, "because she seemed to be doing pretty well when she came back. We have a number of kids who experience traumas during the year, and we have to do our best for all those kids."

How much more would have been reasonable to expect of the school? "Probably most of us in the mental health profession would say that the people who form the school counseling team—the nurse, the licensed social worker, the guidance counselors—should be meeting regularly to talk about kids of concern and have ways to communicate to the administration, so if there is an alarm about a kid, there's a process in place for alerting everyone," says Robert King, a professor of

child psychiatry at Yale who has studied teen suicide. King also wondered whether Watson-Menkel asked Phoebe key questions on the morning before she died, when they were talking about the mark on her chest. For example, did the counselor ask if Phoebe was thinking of hurting herself? Did she ask to talk to Phoebe's therapist? On this point, in her interview with the police, Watson-Menkel said that she told Phoebe "that I was concerned about her health and safety" and told O'Brien over the phone "about our medical and mental health concerns."

Like many high schools, South Hadley has struggled with how to handle bullying. Because it's hard to police the behavior of older teenagers, high schools sometimes default to inaction. "It's a systemic problem in American education: If they're over 12 years old, they're on their own," says [Elizabeth Englander](#), a psychologist at Bridgewater State College who does bullying prevention research and training throughout Massachusetts. "There's a lack of recognition that if you're 15 or 16 or 17, you still need adults to guide you."

Beyond disciplining individual students, South Hadley had taken only small steps to address bullying, despite a history of trouble with it. In 2005, 30 percent of South Hadley High students reported that they'd been bullied in the last year, in a survey designed by the Centers for Disease Control. That rate was higher than it had been two years earlier, when 24 percent of students said they'd been bullied, and also higher than the Massachusetts average of 23 percent. "How long can the school department ignore the increasing rate of bullying before reality sets in?" two students at the time asked in an editorial in the school newspaper. "How many more harassed kids will it take, how many more enraged parents, how many cases of depression, and how many attempted suicides?"

BULL-E : THE NEW WORLD OF ONLINE CRUELTY

Five years later, a few months before Phoebe's suicide, the South Hadley schools invited Barbara Coloroso, author of the best-selling self-help book [The Bully, the Bullied, and the Bystander](#) to give a workshop for teachers and a presentation to parents. Coloroso was paid \$9,000, school officials told me. She gave an all-day lecture to the teachers. Afterward, some of them complained about too many hours spent listening and too many buzzwords. At her session for parents, attendance was low. In October, at the urging of Nina, the girl who'd been bullied in middle school, Assistant Principal Bill Evans started a group to address bullying (nicknamed the E-Crew, for Evans). A small group of kids started planning an assembly for the middle school at which they'd tell their stories. But they weren't sure how to take on the topic with their own peers.

Publicly, the school floundered in the wake of Phoebe's suicide. School superintendent Gus Sayer, the district's public face, was vague and ill at ease on [local television](#), his eyes darting away from the camera. Coloroso [criticized](#) the district, saying that students had told her that Phoebe's bullies "are still walking around the hallways." The school's internal investigation into Phoebe's death led to suspensions (pending expulsion hearings) for Ashley in January and for Sean and Kayla in early February, according to records. (It appears that these students withdrew before they were expelled.) Confidentiality laws barred the school from explaining any of this publically, but Sayer didn't effectively explain those constraints, leaving an information vacuum that suggested the school had done little or nothing to punish Phoebe's tormentors.



Gus Sayer, superintendent of the South Hadley schools. Image courtesy the Republican © 2010 the Republican Co. All rights reserved. Reprinted with permission.

Meanwhile, other South Hadley kids and their parents were coming forward to talk about experiences of bullying. In this [ABC clip](#), two girls describe leaving the school because of their unhappiness. A third, Becky Brouillard, talked in the clip about bullying in South Hadley. After her appearance, Ashley stormed up to her in school, told her to stop talking to reporters, and slammed her into a locker, according to administrators. Ashley was suspended for this as well as for her part in bullying Phoebe, but her outburst looked like more evidence that South

Hadley High was out of control.

Awful postings appeared on a Facebook memorial page for Phoebe—"she deserved it" and "accomplished," [according to the Boston Globe](#). On formspring.me, another social networking site, posts like this one showed up: "why do u act like phoebe was ur best friend when everyone saw u call her and irish whore on twitter and facebook. dont act like u didnt bc everyone saw it." (The page has since been taken down.)

As frustration mounted, some people in town became convinced that the school district was stonewalling. One of them was Darby O'Brien (no relation to Anne O'Brien), who grew up in nearby Holyoke and runs an ad agency. O'Brien shared Phoebe's Irish heritage and had a track record of championing local underdog causes, like opposition to a casino that developers in Springfield heavily favored. He'd never met Superintendent Sayer or Principal Smith. But O'Brien thought he understood what was happening: The school administrators were covering for one another. "I think they want to forget about it—look the other way, move on," he said.

O'Brien called Kevin Cullen, a *Boston Globe* columnist who'd been the paper's correspondent in Ireland. In a column on Jan. 24 called "[The Untouchable Mean Girls](#)," Cullen wrote, "School officials say there are three investigations going on. They say these things take time. That doesn't explain why the Mean Girls who tortured Phoebe remain in school, defiant, unscathed." Three days later, parents lined up at the microphone at an evening [school committee meeting](#) to blast the district and tell their own stories. It was a mix of present and past grievances. Becky Brouillard's father said his daughter had been bullied since eighth grade. An alum of South Hadley High said, in a choked voice, "I spent from third grade on in absolute misery and terror." A parent, Luke Gelinas, addressed the school committee and Sayer. "Wouldn't we all agree that you have *failed*," Gelinas said. His voice rose to a shout, "Until someone stands up and admits there has been failure here—*complete failure*—we have nowhere to go." The audience applauded.

As the national media picked up the story, O'Brien and Gelinas started calling for Smith's and Sayer's resignations. The school committee, led by President Ed Boisselle, dug in to support the administrators. No one from the district's leadership attended a benefit to raise money for a memorial fund for Phoebe. (Smith said that Phoebe's family, through their lawyer, asked the school not to post information about the banquet, and so he thought they didn't want any school involvement.) When a resident asked at a public meeting whether anyone had called the Prince family to offer condolences, Boisselle refused to answer.

In late February, protests were expected at a meeting of the school committee called to form an anti-bullying taskforce. Instead, a couple of parents passed out "I Support Dan Smith" stickers as about 500 people filled the



Luke Gelinas, a South Hadley parent who has been a vocal critic of school administrators, getting thrown out of a school committee meeting in April. The ACLU wrote a letter complaining that his First Amendment rights were violated. Image courtesy the Republican © 2010 the Republican Co. All rights reserved. Reprinted with permission.

high-school auditorium. When Smith rose to speak, he choked up as the applause built to a standing ovation. But about a quarter of the audience sat stony-faced.

After Smith's speech, most of the angry parents left, while other people broke into smaller groups to discuss different parts of the taskforce's mission. I went to the library and listened to a frank discussion among three dozen parents about the pitfalls of raising a child in the smartphone era. It had moments of both humor and anguish. The parents wanted guidance—they wanted it forced on them. "We have to take a two-hour class now for our kids to get a driver's license," said one mother in a blue Patagonia jacket. "Isn't there a way to do that for how kids use the Internet—mandate it so that we have to take a class with them? I had to have my daughter show me how to get into Facebook."

BULL-E : THE NEW WORLD OF ONLINE CRUELTY



South Hadley High students rally for peace in April in a show of school unity. Image courtesy the Republican © 2010 the Republican Co. All rights reserved. Reprinted with permission.

Another mother asked if the school could prevent students from using their cell phones during school by turning the campus into a dead zone. A girl with blond hair piped up: "No one gets service if they have T-Mobile. If you want to block your kid's access, get him that." The room broke into laughter and parents signed up to keep helping with the taskforce. For a moment, I thought that even though the dissidents were missing, maybe South Hadley was ready to mount a [public health campaign against cruelty](#), in school and online.

But over the next several weeks, attendance at the taskforce meetings dwindled. Then, at the end of March, the town woke up to news that proved more explosive even than Phoebe's suicide: Scheibel's announcement of the indictments of the six teens charged in connection to Phoebe's death.

If Phoebe's death prompted a wave of media attention, Scheibel's charges brought a tsunami. In it drowned any hope of an honest

discussion about grief and responsibility. The Prince family hasn't spoken publicly since Phoebe's death. Nor, with the exception of Sharon's mother, have the families of the kids who were charged. That left the field to the bullies' accusers and to the school district, which was restricted by confidentiality laws and was ill-prepared to handle the press. The result was a spring of recrimination and stonewalling, not healing.

Scheibel didn't charge any adults. But in her press conference about the charges against the six teenagers, she had called the actions of the high-school staff "troublesome." Armed with the D.A.'s critique, Darby O'Brien and Luke Gelinis took their case for Smith's and Sayer's resignations to national television.

Sayer and school committee president Ed Boisselle reacted defensively. Countering Scheibel's claim that the bullying of Phoebe was "common knowledge" among the students, Boisselle retorted: "Did they go interview all 700 kids at the school and found out that more than 300 knew about it?" Responding to Scheibel's "troublesome" remark, Sayer said to the *Today* show's Matt Lauer: "She'll have to explain what's troublesome. It is not—it's not troublesome to me." (Scheibel [shot back](#), "Mr. Sayer does not have access to some of our investigative materials; therefore, he can't have a basis for some of his comments.") Next, Sayer tried pleading ignorance. "The kids have a way of communicating with each other without us knowing about it," he said. Under [Anderson Cooper's stern eye](#), Sayer made excuses, saying that because Phoebe hadn't reported the bullying, the school's hands had been tied.

It was a losing strategy. The editorial page of the *Boston Globe* weighed in: "Rather than declare 'we did everything we could,' as Sayer did, he should launch a new probe to determine what signals were missed and why.

BULL-E : THE NEW WORLD OF ONLINE CRUELTY

If teachers truly didn't know of the bullying until a week before the suicide, how might they have learned earlier? If some knew and failed to take sufficient action, what might have prompted them to do so?"

South Hadley was cast in the media as the bullying capital of the world. The attention was outsized in part, perhaps, because of the fresh-faced photos of Phoebe, with her [sparkly eyes and smile](#). Many children who are victims of bullying are disabled or just not beautiful: Phoebe looked like a girl anyone would want to befriend, or date, or mother. And it probably mattered, too, that she was white and middle class, as Stephanie Bergman [suggested](#) in the *Lowell Sun*. In June, Bergman counted 811 news stories about Phoebe in 45 countries (not counting tabloids or small local papers) compared with 74 stories about Carl Walker-Hoover, the black 11-year-old from Springfield who killed himself last year after classmates taunted him for being gay.

Meanwhile, the kids of South Hadley High were trying to make sense of Phoebe's death and its aftermath. To some degree, they did this on their own: The school district didn't bring in an outside expert to launch an anti-bullying effort. The Gay-Straight Student Alliance sponsored a week about respect and civility. (The president of the student body, Kaden Belanger, is a transgender 17-year-old who strongly supports the school administration.) One day in April,

on the three-month anniversary of Phoebe's death, the students held an impromptu peace rally. A few weeks later, the E-Crew put together a high-school event called Sending Sincerity, in which students could send one another compliments on a postcard. For each postcard sent, students got a paper heart to stick on a school wall, and the outline of a vase drawn to contain them overflowed.

But by the end of June, when the school committee met for the last time, only a handful of parents who'd stuck with the bullying taskforce were on hand to deliver its recommendations about the adoption of a high-school program to combat bullying. The district hadn't settled on a bullying prevention program for the fall—though this time, that wasn't necessarily the fault of administrators. In May, the Massachusetts legislature passed a bill requiring every school in the state to offer such a curriculum. Lawmakers stipulated that to qualify, a program must be "evidence based"—meaning that it should be anchored in research findings on bullying. The state Department of Elementary and Secondary Education recently offered some [guidance](#) to resources it considers reputable but no list of approved programs. (One program that may not make the cut is the [curriculum](#) that Scheibel recommended to South Hadley at her first press conference about the criminal charges. One study of the program did not find evidence that it is effective.)

And so in May, the South Hadley schools weren't sure how to address bullying next year. Instead, Gelinis called for Sayer's and Smith's resignations one more time. Then everyone went home.



South Hadley High. Image courtesy Darby O'Brien.

It's still possible for some good to come out of Phoebe Prince's death. It was her suicide, along with Walker-Hoover's, that prompted

BULL-E : THE NEW WORLD OF ONLINE CRUELTY

Massachusetts to pass its anti-bullying law this spring, and if that law is implemented wisely, it could turn the state into a laboratory for testing different prevention programs. The timing is good. The earlier wave of American awareness about bullying, which followed Columbine and other school shootings in the 1990s, predates the Internet. Bullying on Facebook and by instant message has exacerbated the problem: Kids can now impulsively press “send” and do a lot of damage. And because bullying can now take place on Facebook or a cell phone, its victims can’t escape it, even in their own homes. Cyberbullying played a secondary role in Phoebe’s death, but the way in which it gave students another vehicle for taunting and ganging up on her is typical. Schools and researchers have to figure out how bullying has changed in the digital age and what to do about that. Massachusetts could lead the way.

But whatever the benefits to other kids down the line, the immediate question in South Hadley is what will happen this fall to the six kids facing charges. “Justice for Phoebe”

reads a local bumper sticker, signaling the prosecution mood in town. But do the facts uncovered in the police investigation really make any kind of case for criminal retribution? Should teenagers be held responsible for acting out toward a girl who turned out to be far more unstable than any of them truly understood?

In the end, the next chapter of the South Hadley bullying story isn’t really about innocence versus guilt. It’s about proportional versus disproportional punishment. All of the kids accused of hurting Phoebe Prince have been kicked out of school. They have been the focus of intense, public rage. They’ve been blamed for the suicide of a vulnerable, troubled girl. They will live with this always. Maybe that is already enough.

Coming soon: For schools and parents, what are the best tactics for preventing bullying?

Plus: A shopping guide for monitoring your kid’s Internet use.

