

The background features a large, faint seal of the Middlesex District Attorney's Office. The seal is circular and contains a central emblem of a scale of justice. The text "DISTRICT ATTORNEY" is written in an arc at the top, and "MIDDLESEX COUNTY" is written in an arc at the bottom. A banner across the bottom of the seal reads "MIDDLESEX COUNTY".

WHEN BULLYING BECOMES A CRIME

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OVERVIEW OF PRESENTATION

I. When does “bullying” cross the line and become a crime?

II. How can a bully enter the Criminal Justice System?



THERE IS NO CRIME OF “BULLYING”



But....

Bullies can commit crimes

- Assault (GL c. 265, § 13A)
- Assault & Battery (GL c. 265, § 13A)
- Criminal Harassment (GL c. 265, § 43A)
- Harassing/Annoying Phone Calls (GL c. 269, § 14A)
- Threats (GL c. 275, § 4) (GL c. 209A, § 7)
- Disruption of School Assembly (GL c. 272, § 40)
- Civil Rights Violation (GL c. 265, §§ 37, 38)
- Malicious Destruction of property (GL c. 266, § 127)



CRIMINAL HARASSMENT

G.L. c. 265, § 43A

“Whoever willfully and maliciously engages in a knowing pattern of conduct or series of acts over a period of time directed at a specific person, which seriously alarms that person and would cause a reasonable person to suffer substantial emotional distress”



THREATS

- An expression of intention and an ability in circumstances that would justify apprehension on the part of the recipient

Examples:

- threats to murder “jocks” overheard by third party (must show intent to communicate).
- student threatens teacher with a drawing that depicts student pointing gun at the teacher (look at surrounding circumstances).



POTENTIAL PENALTIES

- Adult Court vs. Juvenile Court
- Probation vs. Confinement
 - A. Terms of Probation
 - B. Resolving the matter without a delinquency finding