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Police went too far laying charges over Instagram photo



Criminally charging a woman over an Instagram photo she posted of a controversial piece of anti-police graffiti is an overreaction that threatens freedom of speech, says Toronto criminal lawyer [Jordana Goldlist](#).

Jennifer Pawluck, of Montreal, posted an image that showed Cmdr. Ian Lafrenière, a Montreal police spokesman, with a bullet hole through his head, [CBC reports](#). Pawluck says she only took the picture and shared it, and was not the person who created it, the report says.

Pawluck was formally charged with criminal harassment and intimidation against a high-ranking Montreal police officer, [CBC reports](#), adding she appeared in court Wednesday and pleaded not guilty.

Further proceedings were postponed until May 24, the report adds.

"It's one thing for a person to send a direct message threatening death or bodily harm through a social media network," says Goldlist. "Likewise, repeated contact that causes one to fear for their safety could be harassing, even if the medium was Facebook or Twitter. But to charge a woman for posting a picture of a graffiti image on Instagram that she did not even create, of a man she doesn't know, takes things too far."

Goldlist, an associate with [Edward H. Royle & Associates](#), says the charges open the door to a larger debate.

"What would the police do if the photo went viral? Arrest everyone who retweeted it or shared it on Facebook?" she says.

"Where do you attach criminal liability when the only action taken was to tap the retweet button? What about all the people who 'liked' it on Instagram? Were they inciting this so-called harassing behaviour?"

The police action in Pawluck's case may cause others to refrain from posting similar photos, which may not be a good thing, says Goldlist.

"This censors the freedom to speak out against abusive police practices, and also censors graffiti, which by definition is a form of street art," she says. "Here we see the police overacting as they send a message to those who speak out against them and specifically those who do so by means that are most accessible to them, and who are often the subject of violence by the police."

Goldlist says she sees no threat in the photo in question.

"No words or image suggest, provoke, or encourage this officer to be shot," she says. "Instead, we simply see an image of him shot. The shooter isn't celebrated or even acknowledged."

Goldlist says the fact that the artist chose a police spokesperson, not a beat cop, for the image, "obviously suggests that the artist is speaking to the message the police are sending, as opposed to the people wearing the uniform."

