



ABOUT NEW YORK

# The Officer Who Posted Too Much on MySpace

By JIM DWYER  
Published: March 10, 2009

In pictures, Vaughan Ettienne is a champion bodybuilder of surreal musculature. In conversation, he is polite and thoughtful.

And in the looking glass of his computer screen, he becomes a man of fierce, profane views on how to keep law and order. A few weeks ago, he posted a description of his mood on a [MySpace](#) account. "Devious," he wrote.

The next day, a man accused of carrying a loaded gun would go on trial in State Supreme Court in Brooklyn — and in large part, the case rested on the credibility of Vaughan Ettienne, bodybuilder, Internet user and arresting officer.

What seemed like a simple gun possession case became an undeclared war over reality: Was Officer Ettienne a diligent cop who found a gun after chasing an ex-convict weaving through traffic on a stolen motorcycle? Or was his story a "devious" facade in keeping with the ruthless character he revealed on social network Web sites?

"You have your Internet persona, and you have what you actually do on the street," Officer Ettienne said on Tuesday. "What you say on the Internet is all bravado talk, like what you say in a locker room."

Except that trash talk in locker rooms almost never winds up preserved on a digital server somewhere, available for subpoena. The man on trial, Gary Waters, claimed that Officer Ettienne and his partner stopped him, beat him and then planted a gun on him to justify breaking three of his ribs.

Suddenly, Officer Ettienne was being held to the words that he wrote in cyberspace.

Besides the "devious" mood setting, the jurors learned that a few weeks before the trial, the officer posted this status on his [Facebook](#) page: "Vaughan is watching 'Training Day' to brush up on proper police procedure."

That referred to a 2001 movie starring [Denzel Washington](#) as a narcotics detective who pillaged and plundered Los Angeles. "The defense lawyer brings up 'Training Day' — like I was trying to emulate Denzel," Officer Ettienne said. "He ties the defense to the story in the movie. It was a masterful piece of fantasy — but it was one that the jury bought."

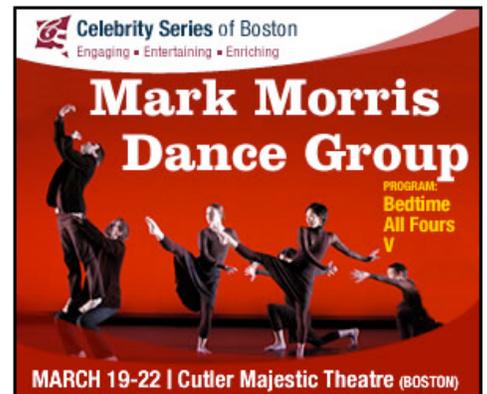
Mr. Waters, on parole from a burglary conviction when he was arrested, beat the most

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serious charge, the felony possession of a 9 millimeter Beretta and a bagful of ammunition. He was convicted of resisting arrest, a misdemeanor.

When the case started, the defense was going to focus more on what was in the officer’s body than on his mind. Officer Ettienne had been suspended for using steroids — legally, he says, with a doctor’s prescription. The defense lawyer, Adrian Leshner of the [Legal Aid Society](#), argued last year that steroids might have created irrational rage in Officer Ettienne.

Then Mr. Leshner tracked down comments Officer Ettienne had made on the Internet about video clips of arrests. An officer should not have punched a handcuffed man, Officer Ettienne wrote. “If he wanted to tune him up some, he should have delayed cuffing him.” He added: “If you were going to hit a cuffed suspect, at least get your money’s worth ’cause now he’s going to get disciplined for” a relatively light punch.

“I’m not going to say it was the best of things to do in retrospect,” Officer Ettienne said. “You want to run your mouth with the best of them. As the lawyer Ron Kuby says, stupidity on the Internet is there for everyone to see for all times in perpetuity. That’s the case for me. There were hundreds of comments I made that were positive.”

Officer Ettienne said he has never been disciplined for brutality.

FROM the defense side, the mouth-running was a gift outright. “It supported our theory of the case — this guy was motivated to cover up his use of excessive force,” Mr. Leshner said.

The prosecutor, Kevin James, tried to persuade the judge, Joel M. Goldberg, that remarks like the one about “Training Day” had nothing to do with the arrest. “It goes into artistic interpretations to a movie, directorship, actors,” Mr. James said. “I don’t think it’s enlightening.” The judge replied, “If you want to redirect and the witness says I liked it because of the cinematography, he can say that.”

Officer Ettienne said he is now being careful to mask his identity on the Web and that he has curbed his tongue because of the acquittal. “I feel it’s partially my fault,” he said. “It paints a picture of a person who could be overly aggressive. You put that together, it’s reasonable doubt in anybody’s mind.”

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A version of this article appeared in print on March 11, 2009, on page A24 of the New York edition.

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