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The View From Here

Cop pulls rug from under his own testimony

By CARL STROCK

Regarding Jack Carroll, the Troy man convicted of sexually molesting a young girl, I tried to show the other day that the strongest evidence against him, the testimony of the girl herself, is suspect because it sounds coached and is lacking in the most elementary detail.

Other evidence against him was the testimony of two police officers - Detective Steve Weber of the Troy Police Department and Investigator Ed Girtler of the state police - who interrogated him for 2½ to three hours after picking him up at his place of business, and that evidence is more suspect yet, a lot more suspect.

They both testified at trial that Carroll admitted to them the girl was not lying when she made her accusations, which is of course tantamount to saying the guy confessed, and this was cited by the Appellate Division in upholding Carroll's conviction.

During the interrogation at the East Greenbush state police barracks on March 18, 1997, the two officers presented Carroll with a fake polygraph exam and told him it showed the girl to be telling the truth in her denunciation of him and asked him to account for that, which is a standard ruse to break a suspect.

Later, at trial, the officers said ambiguously that Carroll was "in denial" during this grilling, that he "shook his head" and so forth, but Weber also declared as follows:

"I asked Mr. Carroll if [the girl] was lying, and he said she wasn't lying."

Purporting to quote Carroll, he said: "No, she's not lying."

Girtler concurred with that testimony.

I have not been able to talk to Investigator Girtler, but I talked to Detective Weber the other day, and I was amazed at the casualness with which he admitted his testimony was a foul misrepresentation, though naturally he didn't use those words.

He freely admitted that Carroll never confessed to anything but rather that he vigorously denied the charges to the end.

He even imitated Carroll to me, mocking his position as, "I didn't do, I didn't do it, I didn't do it," and added, "We tried to get him every way we could, and he wouldn't go for it."

I proposed to him that the damaging remark about the girl not lying, or not being a liar, if Carroll ever uttered it all, must have been taken out of some context such as, "She's not a liar. I don't know why she would say this," and he responded, "I don't disagree with you."

"The law allows me to use trickery and deceit," he reminded me, and he even wrote it on a piece of paper for me, so I would get the point - "trickery and deceit."

Think of it - not just trickery and deceit in trying to elicit a confession, but trickery and deceit in describing to a jury what the suspect said when the initial trickery and deceit failed!

Why would Steve Weber, leading investigator of child abuse for the Troy Police Department, do this? Because he firmly believed Jack Carroll was guilty as soon as he took the statement from the girl.

"My job," he told me, "is to believe the victim first and then try to prove it beyond a reasonable doubt."

He didn't try to get Carroll's side of the story, and he didn't interview the friend to whom the accusing girl first confided a mere dream, which set this whole thing in motion.

He and Girtler just set out to nail Carroll using all the tools at their disposal, and oddly enough they succeeded even though they failed.

They had the girl telephone Carroll and they tape-recorded the call, hoping he would incriminate himself when she confronted him, but instead he responded with amazement and disbelief.

They showed him the phony polygraph and browbeat him with it, "and he wouldn't go for it."

But the phone call was kept out of evidence, and his reaction to the fake polygraph they misrepresented - lied about it may not be too strong a term. So they got the conviction anyway, and Jack Carroll is now lodged in a maximum-security state prison, doing 8 to 25 years.

There is more to this story, ladies and gentlemen, but that's all I have room for today.