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The View From Here

Ed Girtler: All signs are signs of guilt

By CARL STROCK

Well, there he was on the witness stand in the Rensselaer County Courthouse the other day - Senior Investigator Ed Girtler, retired, of the New York state police, specialist in the investigation of sex crimes against children and the man who arrested Jack Carroll 3½ years ago for the alleged rape and sexual abuse of a then-13-year-old girl.

I had long waited to hear him testify, and now I was not disappointed.

It was he who got the girl in this case to telephone Carroll and accuse him of molesting her, and it was he who taped the call in the hope that Carroll would incriminate himself.

Was he disappointed that Carroll instead reacted to the accusation with astonishment and that he staunchly protested his innocence?

Not really. He has a "trained ear," he told the jury, as a result of some 1,500 hours of specialist training, and he could detect all sorts of "red flags" in Carroll's protestations.

For example, by insisting to the girl that he had never touched her in a sexual way, Carroll cunningly "tried to put doubt in her mind," Girtler explained. "That was important to me."

And not just doubt, but by saying over and over in shocked tones that he had never done anything wrong, Carroll was "injecting guilt, reward, love, fear" in the girl, in Girtler's analysis.

"There's red flags jumping up all over the place," he observed. "More red flags than at Tiananmen Square."

Any number of times during the 15-minute phone call, hearing the girl claim that he had molested her, Carroll made "religious" references, which was another clue for our investigator. Carroll repeatedly said, "Oh, my God!" for example, and a couple of times exclaimed, "Jesus!" as in, "Oh, my God! I would never, ever touch you," or, "Jesus! . . . I didn't do anything wrong to anybody."

"Those are red flags for me," quoth Girtler.

In fact there was scarcely anything Carroll did that did not indicate to Girtler that he was guilty, even how he crossed or uncrossed his arms and legs as he was being falsely told that the girl had passed a lie detector test.

Girtler has had training in body language - he has been to FBI school and any number of other police training programs - and he can decipher what an ordinary layman cannot.

Carroll at one point folded his arms for example, which Girtler interpreted as, "He started to lock down." The meaning? "That tells me we're starting to get to some of the issues, and he doesn't want to talk about them."

Later Carroll handed a piece of paper back to Girtler, and as he did so, in Girtler's testimony, "He opened his legs, which was significant to me. It means he's starting to open up."

At times I felt as if I had been transported back to the 16th century and was listening to an inquisitor in some hardscrabble village explain how he can tell if a woman is a witch by studying her reflection in a pool of water.

You know in advance there is no ripple or shimmer possible that will indicate innocence.

Several times I would have guffawed out loud if I hadn't been in a court of law, such a comical witness was this investigator. It goes to show what comes of sending such an earnest character off to FBI school and filling his head with such subtle notions as the difference between denying something and being in denial, which was an area where Carroll's attorney, Mike Koenig, had particular fun with him.

Girtler conceded that Carroll denied the allegations against him, but he insisted that was not the same as . . . well, not the same as denying the allegations. Because, in Girtler's analysis, Carroll was *in denial*, which is a psychological state in which you deny not just the substance but the very existence of the allegations. So any denial he made was by definition fruitless and not to be credited.

Just as any protest to the girl that he never touched her was fruitless because his very exclamations of "Oh, my God!" condemned him.

There was no way out. In fact, even though Girtler decided to have the girl make the telephone call only 45 minutes before she actually made it and no one left the room at the police barracks in the meantime, he believed afterward that Carroll had been tipped off to it.

Why? Because Carroll denied the accusations.

Listening to Girtler and listening to the prosecutor who introduced the tape of the call into evidence, you would have thought they wanted nothing more than to have a jury hear it and you would never have guessed that the very same prosecutor fought for all she was worth, successfully, to keep it out of the first trial, three years ago, and even tried to stop the Court of Appeals from listening to it, since as I have said more than once, Carroll sounds very much like an innocent man on it - or at least he does to someone who hasn't undergone 1,500 hours of police training.

He sounds like an ordinary guy who is flabbergasted by ghastly, incredible charges.

But anyway, there you had Ed Girtler, a guy who has spent the past 20 years working with prostitutes and young women who allegedly have been the victims of sex crimes. A guy who spends much of his time talking to girls and young women about sexual matters and has to ease them into it, which isn't always easy, as it wasn't easy with the girl in this case.

"It was hard for her to talk about her body parts," he told the jury. "The big V, that was tough." That, in Girtler-talk, by the way, is the vagina.

Yes, it's tough to get young girls to talk about body parts, but Girtler keeps laboring, and if you missed his testimony against Jack Carroll, you really missed, I think, a mirror on our times.