

Inmate Violence Ends In Death

When a local man was dragged in to the Niagara County Holding Center, his killer was waiting behind locked doors

By Carlene Peterson

Joe Kishel will spend this Thanksgiving in a coffin. With post-mortem marks of abuse still marring his body after an altercation at the Niagara County Holding Center Nov. 1, Kishel won't be at the head of his table this year. While serving time for a non-violent offense, the North Tonawanda resident was nailed in the mouth by another inmate, who was in custody for assault. He was rushed to the Erie County Medical Center, but died shortly after his arrival, at 1:55 p.m. Autopsy results are lagging, and have not confirmed the inmate dealt a fatal blow. With 10 arrests in the last four months, Kishel was no stranger to the inside of a jail cell. Sgt. Daniel Engert, who's worked at the center for 15 years, said trouble with Kishel erupted the moment he stepped on the grounds. "The first time he came in, he threatened a staff member, then threatened to take a swing at him," Engert said. "He was very militant." Those were the moments Kishel was at his worst. Engert reports Kishel flinging racial slurs at black inmates and struggling violently with corrections officers. Then, his mood would swing — all of a sudden a fun-loving, goofy side would show through.

A deadly mix

Kishel's manic personality publicly manifested itself shortly before the jail fight. Over the summer, Kishel was arrested for violating a restraining order after approaching a man and his girlfriend, according to City of Tonawanda Police reports. Kishel accused the couple of shooting him with a gun, and pulled up his shirt to reveal a bandage smeared with red on his torso. Police later determined the bandage was a napkin smeared with ketchup. Kishel also made a public announcement he was running for mayor of North Tonawanda. Niagara County's Republican Elections Commissioner Scott Kiedrowski said in August that Kishel never submitted petitions, but he could still participate in the election as a write-in candidate. Kishel claimed he couldn't submit petitions because he was in jail at the time. Other arrests earlier in the summer stemmed from harassment charges. On June 21, North Tonawanda police arrested him when two victims reported Kishel had harassed them in Gateway Park. Six days later, he was arrested on similar charges when another victim at the park said he was slapped by Kishel. Niagara County Sheriff Thomas Beilein said Kishel's mental health had been questioned since his first incarceration, and may have contributed to the fight that resulted in his death. Beilein said the problem isn't a unique one. "All mentally ill

inmates end up in jail instead of where they belong," he said. "This is a classic example of that — where you get them on medication once they get in here, and after a couple of days or a week they seem to be behaving fine. Then they go out the door and they don't follow up on their medicine and two weeks later they're back." Beilein has a barrel of similar stories, of inmates who shouldn't have been in the general population. With no secure mental health facility openings, they end up in an overcrowded holding center. "We actually had a girl slip her finger under her glass eye, plucked it out and swallowed it and said, 'now what are you going to do,' " he said. A mix of mentally unstable inmates and violent offenders is conflict waiting to spring. Lt. Fred Foels of the City of Tonawanda Police Department has seen numerous prisoners return after a rough night at the Erie County Holding Center. He said area holding centers aren't the daycares some people think they are.

"One kid came down one time and he had some bruises on his face," Foels said. "He was on the phone trying to call home and some other inmates took the phone and started beating him with the receiver." For mentally ill inmates, the risk of assault is never far away. But Foels said the real targets in prisons are child molesters. "Once the general population finds out someone is in custody for child molestation, might as well put a bull's-eye on him," Foels said. A prison gets overcrowded, corrections officers are stretched thin, and Engert said an attack is inevitable. In the 1990s, when Engert started working at the Niagara County Holding Center, the inmate population spiked at 180. On Thursday, Engert said the count was 519 — and the sky hadn't even darkened. Overcrowding means cramming heroin junkies in with the gang bangers and sex offenders.

Cramped violence

When the floor gets cramped, both Beilein and Engert said it's next to impossible for corrections officers to keep their eyes on everything. But Douglas Sparks, an attorney in Washington, D.C. who represents victims of inmate abuse and their families, said overcrowding isn't an excuse. "I have been doing cases for 25 years," he said. "Guys are getting murdered, stabbed, maimed or blinded down here in the jails." Sparks said D.C. jails are infamous for overcrowding, but the problem has snaked its way from the capitol to America's suburbs. It's an obstacle Engert faces at work every day. Cramped quarters make it easier for inmates to pull out a jail shank and slice a neck open. They also make it easier for a group to pounce on a lone inmate, and get lost in the crowd. Beilein said keeping tabs on just how many fights occur is impossible. "I don't think there's a statistic per se," he said. "When you discipline an inmate, you have to write that inmate up, but we're too busy doing it to keep statistics about it." Sparks said that's a red flag. "That's a warning sign right there, if they don't have statistics on prisoner abuse," Sparks said. "They don't do it because it makes them look bad." Both Engert and Beilein said it's next to impossible to keep an eye on every prisoner at all times when jail walls are cracking at the seams. Beilein said it's not a matter of negligence, it's just not feasible. Sparks disagrees. He's seen every case from murder to rape and said common

beatings don't get the attention they deserve. Instead of listing an altercation as an assault, Sparks said corrections officers will document it as a simple fight, escaping the eyes of the justice system. "The reason they called it a fight is because they weren't doing their damn job," Sparks said. "A fight is something Mike Tyson does. You're not having prize fights in jail." All the officer has to do is say he or she didn't see who started it, and the incident is listed as a fight, Sparks said.

Fighting dirty

Foels acknowledged Kishel had some mental issues, but never saw Kishel act up. Engert tells a different story. Kishel had complained of abuse prior to his death, meticulously documenting each time he felt slighted by the system. In an Oct. 5 complaint, Kishel reported he was "locked in my cell (hole) 10 days" and received a "beating by CERT team." Kishel's son, Joe Kishel Jr., would not comment on his father's complaints due to a pending legal battle. But Engert said Kishel's complaints were random at best, averaging about 80 complaints a day — some referring to his candidacy for mayor of North Tonawanda. "He'd write that we injected him with mace, with needles. He made accusations that federal agents were trying to stop his mayoral run because of the dirty dealings in North Tonawanda politics," Engert said. "They were just so ridiculous." Beilein said he wouldn't be surprised if Kishel's confrontational or erratic behavior crawled under the skin of other inmates. In a tightly closed society, Beilein said a volatile personality is trouble. "They fight over the food, just about anything," he said. "When someone says something about someone's family, or it could be an old grudge from the street." Random fights between inmates of clashing backgrounds are as common upstate as in other areas of the county. And, like in Kishel's case, those fights occasionally result in death. Pearl Beale, a Washington, D.C. resident, is now a speaker at conventions that focus on prison abuse. Beale's son was serving time awaiting trial when he was murdered by another inmate who was there with two pending first-degree murder charges. The day Beale buried her son was his scheduled court day. "When you lose a spouse, you're called a widow. When a child loses his family you call him an orphan," she said. "But there's no word to describe a mother who loses a child. It's because there's nothing to describe the pain." The family's lawyer said he was confident that Beale's son, Givon, would make it out. The charge wasn't serious, and the city had better reasons to keep people locked up. Then, Beale got a call from an officer who nonchalantly said her son had been killed. "I had talked to him earlier that week," she said. "He said, 'Ma, I can't wait to get out of here.' Then they told me he was dead."

Blood, sex and time

The problem isn't specific to New York and Washington, D.C. Alexander Busansky is the executive director of the Commission of Safety and Abuse in America's Prisons, and said the problem reaches into every jail and holding center in the states. He echoed concerns the concern that statistics are hard to keep and even harder to corral. This creates problems when trying to target at risk prisons. "You can't look at the maximum security prison in New York and compare it to the maximum security prison in Illinois,"

he said. "You can't even do it within New York state. The way you end up talking about it is through anecdote." Engert said one of the worst cases of inmate clashes involved a simple pencil. "We've had an inmate who lost an eye," he said. "The staff had to pull a pencil from his eye. He's blinded to this day. He assaulted someone else, that's why he was here in the first place." Sexual assaults abound, and staff members have reported laundry lists of injuries. Just because the jail isn't in the rough section of Washington, D.C., Engert said, doesn't mean they're friendly. Whether it's the inner-city dregs of Los Angeles or the canal side view of Lockport, a jail is a jail. Beilein said the population of local jails mirrors the population of jails in every major city. "We have gang members here, even Crypts and Bloods," he said. "It's just like any other jail, no matter where you go."