

# Chicago Tribune

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WEDNESDAY, APRIL 14, 2021

## CRIMINAL JUSTICE

### With Chicago help, Buffalo officer earns court win in claim she was fired for stopping another cop from using chokehold

BY ANNIE SWEENEY  
Chicago Tribune

It has been nearly a year since local activists in Chicago rallied around Cariol Horne, a Black woman who was fired from her job as a police officer after she intervened in an arrest where she said a fellow officer used a chokehold on a handcuffed suspect.

Horne had maintained through numerous administrative hearings and court fights that she was trying to stop her white co-worker when she saw him use excessive force, including a chokehold, against a man who was handcuffed and under arrest. It was her duty as an officer to do so, she argued.

This week, a New York state judge agreed, reversing Horne's firing and saying it is not too late to correct a wrong.

The ruling noted that the city of Buffalo has since passed a law in Horne's name in support of officers who stop colleagues from committing brutality and also referenced other high-profile police killings.

"Quoting the words of Dr. Martin Luther King, Jr., 'the time is always right to do right,'" wrote Judge Dennis Ward. "The City of Buffalo has recognized the error and has acknowledged the need to undo an injustice from the past. While the Eric Garners and George Floyds of the world never had a chance for a 'do over', at least here the correction can be done."

The judge's decision sets aside Horne's wrongful termination from the Buffalo police force, which means Horne will be awarded her back pay and has been given her pension credit, her attorneys said in a statement this week.

**Horne's case gained critical momentum last year when activists and artists at the Inner-City Muslim Action Network on Chicago's Southwest Side got involved in her case, using its networks in Chicago to secure the help of the high-powered Kirkland & Ellis firm, which partnered with a Harvard Law School team to see if Horne's firing could be reversed.**

It was notable that a judge did that at the start of Ramadan, and during yet another troubling week for the country, said IMAN founder Rami Nashashibi, as fatal police shootings in Chicago and Minnesota have continued to expose the deep breach between police, and Black and Hispanic communities.

"If there had been more stories (like Cariol's), perhaps the breach of trust wouldn't be as profound in the community," Nashashibi said. "We wouldn't have cops who were so afraid of standing up."

Nashashibi added that Ramadan is a moment of both "collective, communal fasting (and) looking inward" and that the practice aims to "better reflect the spiritual ideals of mercy and justice in the world."

But that takes work, he said, including

spotlighting stories like Horne's.

"That arc (toward justice) that King talked about, it's not a natural bend," he added. "It's a bend that we have to all collectively make happen. It's about storytelling and lifting up people who are defiant against the odds."

Horne's story was brought to IMAN through its arts collective that supports national artists, including songwriters and storytellers. Nashashibi was working with a Buffalo music artist who wrote a nine-track album, a reflection on race and social justice that calls for spiritual healing and radical changes.

**After learning about the case, organizers at IMAN and in the collective took up the case to raise awareness about it and Nashashibi reached out to Kirkland, and the firm agreed to take her case.**

**Neil Eggleston, a partner at Kirkland who served as White House legal counsel under former President Barack Obama and oversaw the administration's major task force on police reform, said at the time that the firm took the case because of how the understanding of policing had evolved.**

**The killing of Floyd by Minneapolis police Officer Derek Chauvin, who kneeled on Floyd's neck for nearly nine minutes as fellow officers watched, dictates that officers like Horne should be celebrated — not silenced, he said. Chauvin is on trial**

**this month, and the jury is expected to begin deliberating in that case as soon as next week.**

**In a statement Tuesday, Eggleston said he was gratified the court recognized that Horne “did the right thing in 2006 when she intervened when a fellow police officer had a chokehold on an arrestee.”**

**“As the court notes in its opinion, ‘The legal system can at the very least be the mechanism to help justice prevail, even if belatedly,’” Eggleston said in the statement. “After many long years, that is what has happened here.”**

Buffalo officers were trying to remove a suspect from a home in 2006 when the incident that led to Horne’s firing took place.

After the department filed disciplinary charges against her, Horne opted not to accept an offer of a short suspension and also demanded that her hearing be public. In 2008, an independent hearing officer sustained 11 department charges against Horne, including that she interfered with the arrest and failed to assist a fellow officer.

Horne challenged her firing in court but initially failed.

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—Kirkland partner Neil Eggleston

After she got new legal representation, Horne renewed her court challenge with the help of the Chicago firm and the Harvard attorneys. According to that lawsuit in 2020, Horne saw Officer Gregory Kwiatkowski, who is white, punch the handcuffed suspect, who is Black. Then, as the man was being removed from his home, Kwiatkowski pulled him down and put him in a chokehold, prompting Horne to tell him to stop and to physically remove his arm from the man’s neck, the lawsuit alleged.

According to the filing, Kwiatkowski then allegedly struck Horne, causing

enough damage that she required dental surgery. Kwiatkowski has denied using a chokehold on the arrestee, as well as the rest of Horne’s version of events.

But while the new lawsuit from her new lawyers did not bring new evidence, it argued that key witness statements did not dispute Horne’s story that she had intervened to protect the handcuffed arrestee, Neal Mack.

**“Both accounts converge on a description of a violent arrest, involving a chokehold, during which Ms. Horne intervened with reasonable acts calculated to prevent a death by chokehold,” the lawsuit read. “While the accounts differ on the extent of force Ms. Horne used to remove Mr. Kwiatkowski ... all accounts include his use of a chokehold and another officer’s intervention.”**

### **Annie Sweeny**

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