



Log # 2022-0003777

FINAL SUMMARY REPORT¹

I. EXECUTIVE SUMMARY

On September 3, 2022, the Civilian Office of Police Accountability (COPA) received Crime Prevention Information Center (CPIC) notification,² along with an Initiation Report from Sergeant (Sgt.) Robert Sekera³ reporting alleged misconduct by a member of the Chicago Police Department (CPD).⁴ Sgt. Sekera alleged that on September 3, 2022, Officer Ryan McCallum unintentionally discharged his firearm while clearing a house from a subject with an axe.⁵ Upon review of the evidence, COPA served an allegation that Officer McCallum unintentionally discharged his firearm without justification. Following its investigation, COPA reached **Sustained** findings regarding the allegation.

II. SUMMARY OF EVIDENCE⁶

On September 3, 2022, Officer McCallum⁷ and Sgt. Cano,⁸ along with other Special Weapons and Tactics (SWAT) team officers,⁹ were inside [REDACTED] to clear a house from a subject with an axe. Once the subject was placed into custody, the officers cleared the first floor of the house, then walked down into the basement. Officer McCallum entered a bedroom alone and opened a closet door; one round was discharged into the closet.¹⁰ Sgt. Cano was in the hallway and said, “What was that?”¹¹ Officer McCallum responded, “It was me, the door hit my gun.”¹² Officer McCallum immediately notified his superior, and all other notifications were made.¹³

¹ Appendix A includes case identifiers such as the date, time, and location of the incident, the involved parties and their demographics, and the applicable rules and policies.

² Att. 1.

³ Att. 3.

⁴ Pursuant to § 2-78-120 of the Chicago Municipal Code, COPA has a duty to investigate all incidents in which a Chicago Police Department member discharges their firearm. Therefore, COPA determined it would be the primary administrative investigative agency in this matter.

⁵ Att. 3.

⁶ The following is a summary of what COPA finds most likely occurred during this incident. This summary utilized information from several different sources, including body worn camera (BWC) videos, 911 calls and radio transmissions, CPD reports, tactical response report (TRR), firearm registration records, firearm qualification history, and complimentary and disciplinary history.

⁷ Att. 86.

⁸ Att. 27.

⁹ Atts. 25-36 and Atts. 59-93.

¹⁰ Att. 27 at 4:15:07 and Att. 86 at 3:43:41.

¹¹ Att. 86 at 3:43:43.

¹² Att. 86 at 3:43:51.

¹³ Att. 106 at 13:20-13:52.

Officer McCallum indicated during his interview that he had a shield in his left hand and his duty weapon in his right hand.¹⁴ While clearing the downstairs bedroom, Officer McCallum opened the closet door, the door jerked back on the track, which led his hand to hit his gun, which caused him to pull the trigger.¹⁵ Lastly, he admitted to unintentionally discharging his firearm¹⁶ and detailed that if he could go back and do it differently, he would have holstered his firearm before opening the closet door.¹⁷

III. ALLEGATIONS

Officer Ryan Mc Callum:

1. Unintentionally discharged his firearm without justification.¹⁸
 - Sustained, Violation of Rules 2, 3, and 10.

IV. CREDIBILITY ASSESSMENT

This investigation did not reveal any evidence that caused COPA to question the credibility of any individuals (sworn or unsworn) who provided statements. Officer McCallum admitted in his COPA statement that he accidentally discharged his firearm while clearing the house.¹⁹

V. ANALYSIS²⁰

COPA finds Allegation #1 against Officer McCallum that he unintentionally discharged his firearm without justification is **Sustained**. Officer McCallum indicated that during the incident, he had a shield in his left hand and his duty weapon in his right hand.²¹ While clearing the bedroom, Officer McCallum opened the closet door, the door jerked back on the track, which led his hand to hit his gun, which caused him to pull the trigger.²² As stated above, he admitted that he accidentally discharged his weapon and mentioned if he could go back and do it differently, he would have holstered his firearm before opening the closet door.²³ It is undisputed that Officer McCallum accidentally discharged his firearm while clearing a house, violating CPD policy Rules 2, 3, and 10.

¹⁴ Att. 106 at 11:31.

¹⁵ Att. 106 at 8:40.

¹⁶ Att. 86 at 3:43:51.

¹⁷ Att. 106 at 20:20.

¹⁸ Att. 106.

¹⁹ Att. 106 at 7:49.

²⁰ For a definition of COPA's findings and standards of proof, see Appendix B.

²¹ Att. 106 at 11:31.

²² Att. 106 at 8:40.

²³ Att. 106 at 20:20.

VI. DISCIPLINARY RECOMMENDATION

a. Officer Ryan Mc Callum

i. Complimentary and Disciplinary History²⁴

Officer Mc Callum has received 124 awards, including two lifesaving awards and 103 honorable mentions. Officer McCallum has no disciplinary history.

ii. Recommended Discipline

COPA has found that Officer McCallum has violated Rules 2, 3, and 10 by unintentionally discharging his firearm without justification. Officers must be mindful when handling firearms and consider their immediate surroundings and the safety of uninvolved members of the public before discharging their firearms. Officer McCallum admitted to unintentionally discharging his weapon and was remorseful that it occurred. Officer McCallum²⁵ also has no disciplinary history and has received many awards within his career with CPD, which is to be taken into consideration. Accordingly, COPA recommends a **5-day suspension**.

Approved:

[Redacted Signature]

Sharday Jackson
Deputy Chief Administrator – Chief Investigator

August 30, 2023
Date

[Redacted Signature]

Andrea Kersten
Chief Administrator

August 30, 2023
Date

²⁴ Att. 119.

²⁵ Att. 106 at 12:41 and Att. 118- Officer Mc Callum qualified with his weapon within the year. It should be noted, this incident was Officer McCallum’s first and only accidental discharge.

Appendix ACase Details

Date/Time/Location of Incident:	September 3, 2022/ 2:24 P.M./ [REDACTED] [REDACTED]
Date/Time of COPA Notification:	September 3, 2022/ 3:38 P.M.
Involved Member #1:	Ryan McCallum, Star #16333, Employee ID#[REDACTED], Date of Appointment: 8/31/12, Rank: PO, Unit of Assignment: 352, DOB: [REDACTED]/1982, Gender: Male, Race: White.
Case Type:	Accidental Discharge.

Applicable Rules

- Rule 2:** Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.
- Rule 3:** Any failure to promote the Department's efforts to implement its policy or accomplish its goals.
- Rule 5:** Failure to perform any duty.
- Rule 6:** Disobedience of an order or directive, whether written or oral.
- Rule 8:** Disrespect to or maltreatment of any person, while on or off duty.
- Rule 9:** Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.
- Rule 10:** Inattention to duty.
- Rule 14:** Making a false report, written or oral.
- Rule 38:** Unlawful or unnecessary use or display of a weapon.
- Rule __:** *[Insert text of any additional rule(s) violated]*

Applicable Policies and Laws

- N/A

Appendix B

Definition of COPA’s Findings and Standards of Proof

For each Allegation, COPA must make one of the following findings:

1. Sustained – where it is determined the allegation is supported by a preponderance of the evidence;
2. Not Sustained – where it is determined there is insufficient evidence to prove the allegations by a preponderance of the evidence;
3. Unfounded – where it is determined by clear and convincing evidence that an allegation is false or not factual; or
4. Exonerated – where it is determined by clear and convincing evidence that the conduct described in the allegation occurred, but it is lawful and proper.

A **preponderance of evidence** can be described as evidence indicating that it is **more likely than not** that a proposition is proved.²⁶ For example, if the evidence gathered in an investigation establishes that it is more likely that the conduct complied with CPD policy than that it did not, even if by a narrow margin, then the preponderance of the evidence standard is met.

Clear and convincing evidence is a higher standard than a preponderance of the evidence but lower than the “beyond-a-reasonable doubt” standard required to convict a person of a criminal offense. Clear and convincing can be defined as a “degree of proof, which, considering all the evidence in the case, produces the firm and abiding belief that it is highly probable that the proposition . . . is true.”²⁷

²⁶ See *Avery v. State Farm Mutual Automobile Insurance Co.*, 216 Ill. 2d 100, 191 (2005) (a proposition is proved by a preponderance of the evidence when it is found to be more probably true than not).

²⁷ *People v. Coan*, 2016 IL App (2d) 151036, ¶ 28 (quoting Illinois Pattern Jury Instructions, Criminal, No. 4.19 (4th ed. 2000)).

Appendix C

Transparency and Publication Categories

Check all that apply:

- Abuse of Authority
- Body Worn Camera Violation
- Coercion
- Death or Serious Bodily Injury in Custody
- Domestic Violence
- Excessive Force
- Failure to Report Misconduct
- False Statement
- Firearm Discharge
- Firearm Discharge – Animal
- Firearm Discharge – Suicide
- Firearm Discharge – Unintentional
- First Amendment
- Improper Search and Seizure – Fourth Amendment Violation
- Incidents in Lockup
- Motor Vehicle Incidents
- OC Spray Discharge
- Search Warrants
- Sexual Misconduct
- Taser Discharge
- Unlawful Denial of Access to Counsel
- Unnecessary Display of a Weapon
- Use of Deadly Force – other
- Verbal Abuse
- Other Investigation