



ELGIN POLICE DEPARTMENT

151 Douglas Avenue Elgin, Illinois 60120



Effective Date:
09/10/01

STANDARD OPERATING PROCEDURE

Revised Date:
1/11/24

Chief of Police:

Disciplinary Procedures, 26.1

Cross Reference:

SOP 12.2, Written Directives
SOP 25.2, Grievance Procedure
SOP 32.1 Selection of Personnel
SOP 35.1, Performance Evaluation
[50 ILCS 205/25](#)
[50 ILCS 705/6.1](#)
[50 ILCS 705/6.2](#)
[50 ILCS 705/9.2](#)
[50 ILCS 725/1](#)
[Collective Bargaining Agreements](#)
[City of Elgin Personnel Manual](#)
[Elgin Board of Fire and Police Commissioners Rules and Regulations](#)

Policy Sections:

26.1.1 Code of Conduct
26.1.2 Disciplinary System
26.1.3 Training
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26.1.5 Forms of Discipline
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PURPOSE

The purpose of this policy is to establish guidelines for a disciplinary system which includes procedures for counseling employees when corrective measures become necessary and for initiating punitive discipline when required.

POLICY STATEMENT

It is the policy of the department to correct undesired conduct, behavior, or productivity of employees. A preferred practice is to use progressive discipline and when appropriate, discipline may be employed simultaneously with training and counseling. The commission of gross misconduct or law violations by employees, or the unwillingness or inability of an employee to conform to department directives, expectations, job descriptions, or repeated acts of a similar nature for which the employee has previously received disciplinary sanctions may result in the employee being recommended for termination.

PROCEDURES

26.1.1 CODE OF CONDUCT

- A. All employees are responsible for adhering to the law, City of Elgin Personnel Manual, department directives, and lawful verbal instructions issued by a supervisor. Violations will be deemed as grounds for the imposition of disciplinary sanctions.
- B. All persons seeking assistance from the department are entitled to be treated in a courteous, impartial, and respectful manner.
- C. Written directives are available to all employees via PowerDMS and upon being hired, employees shall electronically sign an acknowledgement for the written directives that have been assigned to them. The purpose of a written directive is to provide guidance and establish protocol for department members to follow during their job performance. Refer to Standard Operating Procedure 12.2, Written Directives for additional information pertaining to employee notification and acknowledgement of revisions to department written directives. The following are examples of written directives:
 - 1. Department Rules and Regulations
 - a. Established and maintained by the department.

- b. The three categories of Rules and Regulations are as follows: Section 1/Duties of all Department Personnel, Section 2/Prohibited Acts, and Section 3/Duties of all Supervisors.
 - c. These items are reviewed on a continuous basis to make any necessary changes.
- 2. Standard Operating Procedures.
 - a. Established and maintained by the department.
 - b. Contains specific topics pertaining to law enforcement functions and protocol for department members to follow.
 - c. These items are reviewed on a continuous basis to make any necessary changes.
- 3. City of Elgin Personnel Manual.
 - a. Established and maintained by the Human Resources Department.
 - b. The protocol pertains to all City of Elgin employees.
- 4. Department manuals such as, but not limited to the Uniform Guidelines Manual, Resident Officer Program Manual, Patrol Manual, and the Sworn Officer Field Training Manual.
 - a. Established and maintained by the department.
 - b. Provides in-depth and instructional information on a given process, program, procedure, or work group.
 - c. These directives may be utilized to supplement a Standard Operating Procedure.
- 5. Training Bulletins.
 - a. Established and maintained by the department.
 - b. Utilized to inform department members of law updates, procedures from external organizations impacting law enforcement activities, or any information relevant to a member's job functions.
- 6. Rules and Regulations of the Elgin Board of Fire and Police Commissioners.
 - a. The authority for this directive is supported by the Elgin city council, pursuant to its home rule powers pursuant to Article VII, Section 6 of the Illinois Constitution and pursuant to law, including but not limited to 65 ILCS 5/10-2.1-1, et seq.

26.1.2 DISCIPLINARY SYSTEM

- A. The formal disciplinary system consists of punitive discipline. The categories of punitive discipline are discussed in Section 26.1.5.
- B. Counseling and training may be implemented to support the disciplinary system and provide the employee with the necessary skills to improve job performance or correct substandard performance either before or in conjunction with punitive discipline.

26.1.3 TRAINING

Training may be employed by itself or in conjunction with components of the disciplinary system. Training is intended to strengthen an employee's performance by improving their productivity and effectiveness using positive and constructive methods.

- A. Employees are required to maintain an acceptable level of competence in the performance of their duties. Training or remedial training may be provided in areas where deficiencies are observed. Acts which are committed because the employee either misunderstood procedures or were never made aware of the correct action may be indicators of training needs.
- B. Remedial training is personalized training designed to correct a specific deficiency.
- C. An employee may be assigned to remedial training if his/her supervisor recommends the process as a means of correcting a noted deficiency. If the deficiency continues upon completion of remedial training, further action may be taken as deemed necessary by the Chief of Police or designee. The employee may be placed on an employee improvement plan, as specified in Standard Operating Procedure 35.1, Performance Evaluation.
- D. Supervisors are required to identify any deficiencies or lack of sufficient ability in their employee's job performance. When appropriate, training recommendations will be made based on those areas identified.

26.1.4 COUNSELING

Counseling may be warranted when an employee's conduct interferes with his/her ability to perform at a level expected by the department. When the behavior does not warrant an internal investigation and/or punitive discipline, but requires increased supervision and intervention, counseling may be the proper remedy. However, in certain cases involving internal investigations and/or punitive discipline, counseling may be employed by itself or in conjunction with components of the disciplinary system.

26.1.5 FORMS OF DISCIPLINE

- A. Discipline is punitive in nature and shall generally be imposed in a progressive manner. However, when the circumstances warrant and based on the totality of the circumstances, the department may impose a higher level of discipline. In all punitive disciplinary actions, the following criteria should be used to determine the appropriate level of action:
 - 1. The nature and seriousness of the incident to include the overall negative impact the incident had on the internal operations within the department and the department's reputation within the community, community partners and other external entities.
 - 2. The circumstances surrounding the incident and its relation to the employee's duties, position, and responsibilities, including whether the incident was intentional or inadvertent or was frequently repeated.
 - 3. The length of the employee's service, past and current work performance, professional relationship with co-workers, and dependability.
 - 4. The employee's past disciplinary records and whether the employee was previously advised of any rules that were violated as a result of the incident or had been previously warned about the conduct in question.
 - 5. The employee's potential of returning to an acceptable performance level, the supervisor's confidence, based on independent observations of job performance, in the employee's ability to maintain satisfactory performance levels, and the probability that similar incidents will not occur in the future.

6. Employee's repentance regarding the incident and understanding of the magnitude of the incident and its effects.
 7. Mitigating circumstances surrounding the incident such as unusual circumstances or bad faith, malice, or provocation on the part of others involved in the incident.
- B. The following categories of punitive discipline may be imposed when appropriate:
1. Verbal Reprimand
 - a. This is a documented conversation with the employee in which a report of inquiry number has been generated.
 - b. All verbal reprimands require the approval of the Chief of Police or designee prior to imposition.
 - c. Documentation shall be maintained in the employee's secured internal file.
 2. Written Reprimand
 - a. A written summary detailing the nature of the action, reason(s) for the written reprimand, violation of a rule and regulation, law, policy, procedure, or the written or verbal direction of a supervisor in which a report of inquiry number has been generated.
 - b. All written reprimands require the approval from the Chief of Police or designee, prior to imposition. Written reprimands not involving minor traffic crashes require a Disciplinary Review Form, to be signed by the Chief of Police, corporate counsel and the city manager.
 - c. Requires acknowledgment of receipt by the employee receiving the written reprimand.
 - d. Documentation shall be maintained in the employee's secured internal file.
 3. Suspension
 - a. This is the act of temporarily denying an employee the privilege of performing his/her duties as a consequence of violations of department directives. The employee does not receive compensation during the period of suspension.
 - b. All employees shall receive due process in matters involving suspension from duty in accordance with the current collective bargaining agreement or the City of Elgin Personnel Manual.
 - c. No employee shall be suspended without first having the incident/situation discussed during an in-person pre-deprivation meeting with the Chief of Police or designee, except in those instances where a disciplinary settlement agreement is signed.
 - d. All suspensions require the approval of the Chief of Police or designee, corporation counsel, and city manager prior to imposition.
 - e. All suspensions shall be in writing and contain a written summary detailing the nature of the action, reason(s) for the suspension, violation of a rule and regulation, law, policy, procedure, or the written or verbal direction of a supervisor in which a report of inquiry number has been generated.

- f. Suspended employees shall sign a copy of the suspension order or agreement acknowledging receipt of same.
- g. Documentation shall be maintained in the employee's secured internal file.
- h. Suspended employees are prohibited from entering non-public areas of the police facility during the period they are suspended and may be asked to surrender department property for the duration of their suspension period. Sworn employees shall not take any action as a law enforcement officer, unless approved by the Chief of Police or designee.

4. Demotion

- a. This is the reduction of class or rank of employment and corresponding permanent reduction in wages. Per the Rules and Regulations for the Board of Fire and Police Commissions, no member of the police department shall be involuntarily demoted except upon a hearing with the board. Refer to Board of Fire and Police Commissioners Rules and Regulations for more information on the hearing.
- b. Demoted employees shall receive the following:
 - 1. A written statement citing the reason(s) for demotion.
 - 2. The effective date of the demotion.
 - 3. Written notice of the status of fringe benefits and retirement benefits upon demotion by the Human Resources Department.
- c. Documentation shall be maintained in the employee's secured internal file.

5. Termination

- a. This is the act of discharge from employment and the permanent loss of all privileges of employment.
- b. All employees shall receive due process in matters involving termination from duty in accordance with the current collective bargaining agreement or the City of Elgin Personnel Manual.
- c. No employee shall be terminated without first having the incident/situation discussed during an in-person pre-deprivation meeting with the Chief of Police or designee, except in those instances where a termination settlement agreement is signed.
- d. All terminations require the approval of the Chief of Police or designee, corporation counsel, and city manager prior to imposition.
- e. All terminations shall be in writing and contain sufficient information to reasonably apprise the employee of the nature of the action and the reason(s) for the termination.
- f. Terminated employees shall sign a copy of the termination order or agreement acknowledging receipt of same.
- g. Terminations require the approval of the Chief of Police or designee, corporation counsel, human resources director, and city manager prior to imposition. Terminated employees shall receive the following:

1. A written statement citing the reason(s) for termination.
2. The effective date of the termination.
3. Written notice of the status of fringe and retirement benefits after termination is to be provided by the Human Resources Department.

h. Documentation shall be maintained in the employee's secured internal file.

26.1.6 SUPERVISORY AUTHORITY

Supervisors have the best opportunity to observe the conduct of employees and to observe and detect those instances warranting punitive disciplinary actions. The department encourages and expects supervisors to utilize the most effective methods to ensure that effective discipline is maintained. All supervisors and those in acting supervisory capacities may exercise any of the following measures:

- A. Relieve any employee from duty whose conduct or performance is deemed to be counterproductive or adverse to the department, the city, the community or to themselves.
 1. When relieved from duty and prior to returning to duty, employees shall attend a meeting with the Chief of Police or designee at the earliest possible opportunity. This meeting shall be coordinated by the employee's supervisor.
 2. In these cases, employees shall not lose pay for the period they were relieved from duty.
- B. Counsel employees, as appropriate, without initiating the punitive discipline process.
- C. Investigate disciplinary matters at the direction of the Chief of Police or designee.
- D. Recommend disciplinary action.

26.1.7 APPEAL/GRIEVANCE PROCESS

Employees who disagree with the contents or portions of their discipline may file a grievance in accordance with the current collective bargaining agreement or the City of Elgin Personnel Manual for professional staff members who are not covered under a collective bargaining agreement. Refer to Standard Operating Procedure 25.1, Grievance Procedure for information on the grievance process.

26.1.8 DISCIPLINARY RECORDS

- A. The Elgin Police Department shall comply with the retention and release procedures set forth in the State of Illinois Records Retention Guidelines, Illinois law, any current collective bargaining agreement, when applicable, or City of Elgin Personnel Manual relating to the maintenance of discipline records.
- B. Records of all actions taken under disciplinary procedures shall be in writing and maintained as follows:
 1. Reports that result in findings of unfounded, exonerated, not sustained, and sustained shall be maintained in the employee's internal affairs file to be maintained in a secured location at the department.
 2. Reports that result in a finding of sustained and lead to discipline shall also be forwarded to Human Resources to be placed in the employee's personnel file.
 3. Pursuant to 50 ILCS 205/25, notwithstanding any other provision of law to the contrary, all public records and nonpublic records related to complaints, investigations, and adjudications of police misconduct shall be permanently retained and may not be destroyed.

- C. All internal affairs files will be maintained in a secure location in the Administrative Office with access limited to the Chief of Police and Deputy Chief. All employees may review their internal affairs file by making an appointment with the Deputy Chief.
- D. The release of disciplinary records shall conform to the guidelines established in the Freedom of Information Act (FOIA). The department shall confer with the city's Legal Department who shall approve and review all discipline related FOIA requests.

26.1.9 ADMINISTRATIVE LEAVE

- A. In certain circumstances, it may be appropriate to place an employee on administrative leave. The placement of an employee on administrative leave shall not be considered discipline and employees in this status shall continue to be paid, accrue seniority, and receive normal benefits.
- B. Administrative leave may be used in instances where an employee must be removed from duty until a proper investigation or other administrative proceeding can be held; this may include situations where the officer receives notification that his/her certification has been temporarily suspended or suspended by the Illinois Law Enforcement Training Standards Board (ILETSB). The situation may involve a case of suspected misconduct of a serious nature, or an issue relating to an employee's physical or mental fitness for duty. In such cases, permitting the employee to perform normal duties would create potential liability for the employee, the department, and the city.
- C. Administrative leave may be used following a traumatic event. The purpose is to help the employee adjust and address any personal or emotional needs resulting from the traumatic event.
- D. Any employee whose actions or use of force results in death or serious physical injury shall be removed from the line of duty or placed on administrative leave, whichever is deemed more appropriate by the Chief of Police or designee. This assignment will be temporary pending the outcome of any criminal or administrative review findings.

26.1.10 OFFICER PROFESSIONAL CONDUCT DATABASES MAINTAINED BY THE ILLINOIS LAW ENFORCEMENT TRAINING AND STANDARDS BOARD (ILETSB)

- A. Professional Conduct Database pursuant to 50 ILCS 705/6.2
 - 1. The department is responsible for notifying ILETSB, within 30 days of any final determination of willful violation of department or agency policy, official misconduct, final exhaustion of any appeal, or violation of law when:
 - a. The officer is discharged or dismissed as a result of the violation.
 - b. The officer resigns during the course of an investigation and after the officer has been served notice that he/she is under investigation that is based on the commission of any felony or sex offense.
 - c. This does not replace mandatory reporting by an agency of any felony or qualifying misdemeanor arrest/conviction of an officer under 50 ILCS 705/6.1.
 - 2. The Deputy Chief or designee shall provide notification using the Professional Conduct Report form, as required by ILETSB. Completed forms shall be placed in the employee's secured internal affairs file and saved indefinitely. Refer to Appendix A to view this form.
 - 3. When needed, the department may request material regarding information reported to ILETSB on any law enforcement officer who was discharged or dismissed from a law enforcement agency for the reasons established in 50 ILCS 705/6.2, ILETSB requires the request to be in writing.

- a. To expedite requests for information, the Deputy Chief or designee may complete a Professional Conduct Database Request form, which is available on ILET SB's website. Refer to Appendix B to view this form.
 - b. Upon the hiring of a new police officer, the Training Division confers with ILET SB to obtain a waiver to finalize the appointment of the police officer. During this process, ILET SB conducts a background check and at that time, the department is notified when an individual was previously discharged or dismissed from a law enforcement agency. When this occurs, ILET SB will not issue the requested waiver.
4. Pursuant to said statute, the ILET SB database will be readily available to the Chief of Police or designee or any state's attorney that shall show each reported instance, including the name of the officer, the nature of the violation, reason for the final decision of discharge or dismissal and any statement provided by the officer.
- B. Professional Conduct Database pursuant to 50 ILCS 705/9.2
1. The department shall notify ILET SB of any final determination of a willful violation of department policy, official misconduct, or violation of law within 10 days when:
 - a. The determination leads to a suspension of at least 10 days.
 - b. Any infraction that would trigger an official or formal investigation under department policy.
 - c. There is an allegation of misconduct or regarding truthfulness as to material fact, bias, or integrity.
 - d. The officer resigns or retires during the course of an investigation, and the officer has been served notice that the officer is under investigation.
 2. The Deputy Chief or designee shall utilize the form authorized by ILET SB to make the notification. Completed forms shall be placed in the employee's secured internal affairs file and saved indefinitely. Refer to Appendix C to view this form.
 3. The department may report to ILET SB any conduct deemed appropriate to disseminate to another governmental agency regarding a law enforcement officer.
 4. The department shall report to ILET SB within 10 days of a final determination and final exhaustion of any administrative appeal, or the law enforcement officer's resignation or retirement, and shall provide information regarding the nature of the violation. This notification shall not necessarily trigger certification review.
 5. The department shall be immune from liability for a disclosure made as described in this subsection, unless the disclosure would constitute intentional misrepresentation or gross negligence.
 6. Upon receiving notification from the department, ILET SB must notify the law enforcement officer of the report and the officer's right to provide a statement regarding the reported violation. The officer shall have 14 days from receiving notice to provide a written objection contesting information included in the agency's report. The objection must be filed with ILET SB on a form prescribed by ILET SB and a copy shall be given to the Deputy Chief. The objection shall remain in the database with the reported violation.

APPENDIX A: PROFESSIONAL CONDUCT REPORT PURSUANT TO 50 ILCS 705/6.2

Illinois Law Enforcement Training and Standards Board
4500 South 6th Street Road, Rm 173 - Springfield, Illinois 62703-6177
Telephone: (217) 782-4540

PROFESSIONAL CONDUCT REPORT

Form R (05/2016)

Pursuant to 50 ILCS 705/6.2, all law enforcement agencies shall notify the Illinois Law Enforcement Training and Standards Board (aka the Board) within 30 days of any final determination of willful violation of department or agency policy, official misconduct, or violation of law when:

- (1) the officer is discharged or dismissed as a result of the violation; or
- (2) the officer resigns during the course of an investigation and after the officer has been served noticed that he or she is under investigation that is based on the commission of a Class 2 or greater felony. This includes violations of Illinois statutes or statutes of other state or federal agencies when the elements of the offense are substantially similar to an Illinois criminal offense which is a Class 2 or greater felony.

Please note this does not replace the mandatory reporting by an agency of any felony or qualifying misdemeanor arrest/conviction of an officer under 50 ILCS 705/6.1

As it is important for this information to be legible, please type or complete this form as a fillable PDF also found on LEDI.

REPORTING AGENCY INFORMATION	
Reporting Agency:	
Full Address:	
Reporting Officer (including rank/title):	
Reporting Officer Signature:	
Phone:	Email:

The reporting agency must attach to this report form a detailed typed report of the officer's conduct as outlined above from 50 ILCS 705/6.2 which lead to the officer's discharge/dismissal or resignation under investigation.

OFFICER INFORMATION

Full Name: _____ PTB ID: _____
Last Known Home Address: _____
City, State, Zip: _____

RESPONSE TO REPORT

In accordance with the provisions of 50 ILCS 705/6.2 (PA 99-352), an officer who is the subject of a professional conduct report is afforded an opportunity to respond in writing to the information submitted. Therefore, a copy of this report will be provided to each individual who will then be granted 14 days to respond and return the report. This final version of the report will be maintained by the Board. If the officer chooses not to respond within the 14 days, the original submission will become final.

BOARD STAFF USE ONLY

Date received/initial entry into PTB database/initials: _____
Letter sent to officer/initials: _____
Response received from officer/initials: _____
Officer's personal information redacted from report form/response/initials: _____
Documents scanned and placed into PTB database/initials: _____
Final notes in PTB database/initials: _____

APPENDIX B: PROFESSIONAL CONDUCT DATABASE REQUEST PURSUANT TO 50 ILCS 705/6.2



Illinois Law Enforcement Training and Standards Board

JB Pritzker, Governor
Brent Fischer, Executive Director

Phone: 217/782-4540
Fax: 217/524-5350
TDD: 866-740-3933

PROFESSIONAL CONDUCT DATABASE REQUEST

Pursuant to 50 ILCS 705/6.2, any chief administrative officer of a law enforcement agency, or his or her designee, may request information reported to by the Board on any law enforcement officer who was discharged or dismissed from a law enforcement agency for a willful violation of agency policy, official misconduct, or violation of law or who resigned under investigation for a Class 2 or greater felony.

Such requests will be presented to the Board in written fashion. This form is provided to expedite the request. Please fill out online, by typewriter, or print legibly.

All requests will be answered via agency email address provided below.

REQUESTING AGENCY: _____

CHIEF OR SHERIFF: _____

REQUESTING OFFICER: _____

EMAIL ADDRESS: _____

OFFICER NAME (last, first, middle): _____

OFFICER PTB ID or DOB: _____

I hereby attest that the information requested is for official business and is being requested by the chief administrative officer of the above identified law enforcement agency or his/her designee, and is not for public dissemination.

Requesting Chief/Sheriff's Signature

Date

4500 South 6th Street Road • Room 173 • Springfield, IL 62703
Printed on Recycled Paper

APPENDIX C: PROFESSIONAL CONDUCT DATABASE REQUEST PURSUANT TO 50 ILCS 705/9.2



Form R (09/2022) Illinois Law Enforcement Training and Standards Board
 4500 South 6th Street Road, Rm 173 - Springfield, Illinois 62703-6177 - Telephone: (217) 782-4540
www.ptb.illinois.gov Send to: PTB.Certification@illinois.gov

PROFESSIONAL CONDUCT REPORT

OFFICER INFORMATION			
Full Name:		PTB ID:	
Address/Contact:			
City:	State:	ZIP:	Email:
AGENCY INFORMATION			
Reporting Agency:			
Reporting Officer (name, rank/title):			
Reporting Officer Signature:			

Pursuant to Section 9.2 of the Police Training Act, all law enforcement agencies (including the Illinois State Police) shall notify the Board **within 10 days** of any final determination of:

- | | |
|---|--|
| <p>MUST Check at Least One:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Violation of agency policy <input type="checkbox"/> Official misconduct <input type="checkbox"/> Violation of law | <p>MUST Check at Least One:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Termination of officer employment <input type="checkbox"/> Suspension of at least 10 days <input type="checkbox"/> Infraction that would trigger an official or formal investigation under a law enforcement agency policy <input type="checkbox"/> Allegation of misconduct or regarding truthfulness as to a material fact, bias, or integrity <input type="checkbox"/> Officer resignation or retirement during the course of an investigation, and the officer has been served notice that the officer is under investigation. |
|---|--|

Briefly describe the nature of the violation/activity (please attach supporting documentation):

Did this activity involve any of the following **Check All That Apply**

- An act that would constitute a felony or misdemeanor which could serve as basis for automatic decertification, whether or not the law enforcement officer was criminally prosecuted, and whether or not the law enforcement officer's employment was terminated
- Exercised excessive use of force
- Failure to comply with the officer's duty to intervene, including through acts or omissions
- Tampering with a dash camera or body-worn camera or data recorded by a dash camera or body-worn camera or directed another or tamper with or turn off a dash camera or body-worn camera or data recorded by a dash camera or body-worn camera for the purpose of concealing, destroying, or altering potential evidence
- Engaging in the following conduct relating to the reporting, investigation, or prosecution of a crime: committed perjury, made a false statement, or knowingly tampered with or fabricated evidence
- Engaging in any unprofessional, unethical, deceptive, or deleterious conduct or practice harmful to the public; such conduct or practice need not have resulted in actual injury to any person. As used in this paragraph, the term "unprofessional conduct" shall include any departure from, or failure to conform to, the minimal standards of acceptable and prevailing practice of an officer.
- None of the Above

The law enforcement officer shall have 14 days from receiving notice to provide a written objection contesting information included in the agency's report. A law enforcement agency shall be immune from liability for a disclosure made as described in this subsection, unless the disclosure would constitute intentional misrepresentation or gross negligence.