

**SEVENTH JUDICIAL DISTRICT**

**VICTIM ASSISTANCE**

**AND**

**LAW ENFORCEMENT**

**(VALE) PROGRAM**

**POLICIES**

**AND**

**PROCEDURES**

Re-Adopted- January 11, 2012 without revision.

7<sup>th</sup> JUDICIAL DISTRICT VALE BOARD  
POLICIES AND PROCEDURES

**TABLE OF CONTENTS**

<u>SECTION</u>	<u>PAGE</u>
<b>SECTION 1.0 – GRANT APPLICATION PROCESS_____</b>	<b>3</b>
<b>SECTION 2.0 – GRANT REVIEW PROCESS_____</b>	<b>6</b>
<b>SECTION 3.0 – RECONSIDERATION OF FUNDING PROCESS_____</b>	<b>8</b>
<b>SECTION 4.0 – ACCOUNTABILITY OF GRANT RECIPIENTS_____</b>	<b>10</b>
<b>SECTION 5.0 – FINANCIAL AND PROGRAMMATIC PLANNING AND REVIEW_____</b>	<b>13</b>
<b>SECTION 6.0 – GENERAL POLICIES AND PROCEDURES_____</b>	<b>15</b>
<b>SECTION 7.0 – INFORMATION FOR THE DIVISION OF CRIMINAL JUSTICE_____</b>	<b>17</b>
<b>SECTION 8.0 – PROCESS TO AMEND THE POLICIES AND PROCEDURES_____</b>	<b>17</b>
<b>GLOSSARY OF TERMS_____</b>	<b>17</b>

## **SECTION 1.0**

### **GRANT APPLICATION PROCESS**

#### **1.1 AREAS OF CONSIDERATION FOR FUNDING RECOMMENDATIONS**

- A. In developing an open, fair, and equitable process of reviewing, evaluating, and voting on grant applications, the VALE Board shall include, but not be limited to, the following considerations for funding: eligibility and priorities established by legislation and the VALE Board; and the financial, administrative and programmatic capacity of the applicant to provide the necessary services.

#### **1.2 FUNDING PRIORITIES OF THE BOARD**

- A. The VALE statute already establishes certain priorities for funding. These are outlined in 24-4.2-103(5) C.R.S. and include the following:
  - 1. Implementation of the rights afforded to crime victims pursuant to section 24-4.1-302.5 C.R.S.
  - 2. The provision of the services and programs delineated in sections 24-4.1-303 and 304 C.R.S., and 24-4.2-105(4) C.R.S. related to all crimes as defined by section 24-4.1-302(1) C.R.S.
- B. In developing a comprehensive and impartial process of soliciting grant applications, each year the VALE Board shall determine any additional priorities for the 7<sup>th</sup> judicial district that have not already been established by legislation.
- C. All legislative and Board priorities shall be published in the Request for Proposal.

#### **1.3 PUBLIC MEETING NOTICE**

- A. The VALE Administrator shall post a notice in each of the seven courthouses within the District regarding any meeting the VALE Board will be conducting. The meeting notice will be posted a minimum of 24 hours prior to the meeting and include the following:

1. Date, time and location of the meeting;
2. Purpose of the meeting; and
3. Person, address, and telephone number to contact for further information.

#### 1.4 **PUBLIC NOTICE OF AVAILABILITY OF FUNDS**

- A. The local VALE Board shall provide public notice (e.g. newspaper, mail to past recipients and those requesting) to prospective applicants including victim service agencies, law enforcement agencies and appropriate community service programs stating the purpose and availability of local VALE funds prior to each funding cycle. The local VALE Board shall issue a notice (request for proposal) that shall contain the following information:
1. Starting date and length of grant cycle;
  2. Local VALE Administrator's name, address, and phone number;
  3. Eligibility requirements to apply for funding;
  4. Funding purpose and priorities as identified by the local VALE Board and outlined in statute;
  5. Amount of funds available;
  6. Application deadline (which shall be no less than 30 days after the Request for Proposal is issued, unless the Board has determined that extenuating circumstances exist);
  7. Board-established criteria that is used to determine the funding of grant awards and a statement that these criteria are applied to all grant applicants; and
  8. Eligibility requirements or criteria for funding that apply specifically to continuation grants and/or new applicants, if different from one another.
- B. Utilizing the financial report from the Judicial District Administrator, the local VALE Board shall determine the amount of funds available for the grant cycle. The amount of funds available for award should be published in the Request for Proposal.

#### 1.5 **WRITTEN APPLICATION TO REQUEST FUNDS FOR SERVICES**

- A. The local VALE Board shall utilize a written application form with clear and concise instructions for all applicants seeking funding from the Board. The application for requesting

funds for goods or services shall contain the following information:

1. A problem statement from the applicant that is specific to the community the project will serve;
  2. A description of the applicant agency;
  3. A description of the project for which funding is requested;
  4. Goals and objectives of the project that are measurable and specific;
  5. A timeline and work-plan for the project, unless waived by the Board for continuation applicants;
  6. A budget request for the project, and a budget narrative that includes an explanation and justification for the requested items;
  7. A description of the entire victim assistance budget of the applicant agency that includes all funding sources;
  8. A plan for evaluation of the services requested to be funded;
  9. Statements demonstrating cooperation, referrals and non-duplication of services with other victim services agencies in the community;
  10. A 501C(3) tax-exempt certificate or evidence that application is in process (if the applicant is a non-profit organization);
  11. Any requirements listed in the statute including the acknowledgment in writing that an agency or person(s) have read and understand the rights afforded to crime victims pursuant to Section 24-4.1-302.5 C.R.S. and the services delineated pursuant to Sections 24-4.1-303 C.R.S. and 24-4.1-304 C.R.S.); and
  12. Specific signing authorities including authorized official, project director, and financial officer.
- B. The Board shall utilize a written application form for all applicants seeking funding from the Board for scholarships, equipment, or training. The application for requesting funds for scholarships and/or law enforcement applications solely for equipment or training may be abbreviated at the discretion of the Board. At a minimum, the application and other documentation shall contain sufficient information to adequately document the amount requested, the reason for the request, the recipient of funds, and a report of actual expenditures by the recipient.

## **SECTION 2.0**

### **GRANT REVIEW PROCESS**

#### **2.1 DECISION MAKING PROCESS**

- A. The local VALE Board shall engage in an impartial and equitable decision making process, utilizing the criteria and funding decisions contained in the Request for Proposal.

#### **2.2 SCREENING OF APPLICATIONS**

- A. The VALE Administrator and/or legal advisor may review grant application to determine if the application is complete, additional information is required, or obtain any additional information that is requested by the Board. The VALE Administrator and/or legal advisor may not screen out any application. Only the VALE Board may determine if a grant is not eligible for funding.

#### **2.3 CRITERIA AND WRITTEN RECORD OF GRANT REVIEW PROCESS**

- A. The VALE Board shall create a written record of the grant review process by completing score sheets or other written evaluation instruments. Such written evaluations shall be a factor in the funding recommendation, but shall not supersede a consideration of all pertinent factors, such as those listed in 1.1A above.
- B. The VALE Board shall consider continuation and new programs on an equal basis.
- C. The VALE Board shall vote on each application, the written record of which shall be preserved in the minutes of the meeting.
- D. The local VALE Board shall designate from which fund, Victim Assistance or Law Enforcement, grant awards shall be made. All grants which provide victim and witness services shall be paid from the Victim Assistance Fund.

2.4 **SUPPLEMENTAL INFORMATION**

- A. The VALE Board may request an applicant to provide an oral presentation or respond in writing to questions if board members desire supplemental information prior to making a funding decision.

2.5 **WRITTEN APPLICATIONS FOR FUNDING FROM THE DISTRICT ATTORNEY, THE JUDICIAL DISTRICT ADMINISTRATOR, OR ORGANIZATIONS WITH WHICH BOARD MEMBERS ARE AFFILIATED**

- A. District Attorney's Offices, Judicial District Administrators, or Board members affiliated with a particular applicant agency are allowed to make applications for funds and oral presentations in the same manner as any other applicant. However, a conflict of interest shall be assumed and declared.
- B. In such cases, a Board member or a staff member from the applicant agency may not augment the written or oral presentation by making additional comments or answering additional questions after a written or oral presentation is completed. In this way, equal access to the local VALE Board is assured for all applicants.
- C. In order to avoid any appearance of a conflict, all members of the District Attorney's staff, Judicial District Administrator's staff, or Board members having any interest in an application with which s/he is affiliated shall be excused from the Board meeting and leave the room during the discussion and voting on the pertinent application.
- D. It is the responsibility of the Chair to enforce this section.

2.6 **ALLOCATION OF FUNDS FOR VICTIM ASSISTANCE AND LAW ENFORCEMENT GRANTS**

- A. All grants that provide victim and witness services, as described by Section 24-4.2-103(5), shall be paid from the Victim Assistance portion of the VALE fund, even if a law enforcement agency is provided the services. Such grants shall comprise no less than 85% of the funds available for grants. Grants that fund other law enforcement expenditures, as described in Section 24-4.2-105(3) and

Section 24-4.2-105(4.3) shall not exceed 15% of the funds available for grants. Expenditures from the law enforcement portion of the VALE fund shall be for expenses that are directly related to the implementation of the rights afforded to crime victims pursuant to Section 24-4.1-302.5, and the provision of services delineated pursuant to Sections 24-4.1-303 and 24-4.1-304.

## **2.7 FINAL FUNDING DECISIONS**

- A. Funding decisions shall not be final, and no disbursements of funds for the grants under consideration shall take place until the reconsideration process has been completed, unless at the discretion of the Board, there are adequate funds available for successful reconsidered applications.

## **SECTION 3.0**

### **RECONSIDERATION PROCESS**

#### **3.1 WRITTEN DOCUMENTATION OF REASONS FOR DENIAL AND NOTIFICATION OF RIGHT TO REQUEST RECONSIDERATION**

- A. Applicants shall be notified in writing within fourteen (14) days of the Board's decisions including the specific reasons for the denial of funding.
- B. The right to request reconsideration does not extend to reductions in funding. Applicants who are denied funding shall be notified of their right to request a reconsideration of the Board's decision and the conditions under which a funding decision may be reconsidered. This information shall be provided to the applicant no less than five (5) working days prior to the deadline to request reconsideration. An applicant may request a reconsideration of the Board's decision if the applicant can show that:
  - 1. Additional information is available, or
  - 2. A change in circumstance has occurred.
- C. The instructions shall include the time frame within which the Board will review the request for reconsideration and make a decision.



- D. The right to request reconsideration does not extend to reductions in funding.
- E. Whenever the local VALE Board denies funding to any agency making application for VALE funding, the specific reasons for the denial of funding and the grant review process for those decisions shall be recorded in the meeting minutes.
- F. VALE Board members shall not discuss funding decisions with applicants until after any reconsideration requests are completed.

### 3.2 **CONDITIONS OF REQUEST FOR RECONSIDERATION**

- A. Agencies must submit a written request by the deadline announced by the VALE Board.
- B. Requests for reconsideration must be based upon the applicant showing that additional information is available or a change in circumstance has occurred.
- C. Requests for reconsideration submitted after the deadline will not be heard.
- D. A request for reconsideration is limited to the reasons for which the application was denied funding.

### 3.3 **BOARD MEETING REGARDING RECONSIDERATION REQUESTS**

- A. If the Board has received a request for reconsideration, it will hold a special meeting within thirty (30) days of the request for reconsideration submission deadline.
- B. The Chair may impose such time limits during the discussion on requests for reconsideration as s/he deems appropriate.
- C. The Chair may authorize a meeting to consider requests for reconsideration by telephone conference as appropriate.
- D. The Board shall state the specific reasons for the denial or the reversal of the denial resulting in partial funding of a grant application after the reconsideration decision.

- E. Funding decisions made at a reconsideration hearing shall be documented in the Board meeting minutes and shall include the reason(s) for the final decision.

### 3.4 **DECISIONS FOR FUNDING**

- A. After any requests for reconsideration are exhausted, the local VALE Board shall make a final decision regarding the funding of grant applicants.
- B. The applicant agencies shall be notified of the Board's decision within 14 days of the Board meeting.
- C. The local VALE Board shall ensure that all actions taken on matters related to grant applications and awards are recorded in the meeting minutes.

## **SECTION 4.0**

### **ACCOUNTABILITY OF GRANT RECIPIENTS**

#### 4.1 **WRITTEN AGREEMENTS (GRANTS) BETWEEN THE LOCAL VALE BOARD AND GRANT RECIPIENTS**

- A. The local VALE Board shall issue a written agreement (hereafter *grant*) to the recipient of funds for the purchase of goods or services with local VALE funds.
- B. The grant shall include the following elements:
  - 1. A statement of the purpose of the grant and the specific goods or services being purchased;
  - 2. The duration of the grant and the ability to amend the terms;
  - 3. The specific dollar amount approved including the payment schedule and a disclaimer stating that the grant is contingent upon the availability of funds;
  - 4. Any special conditions to the grant;
  - 5. The reporting requirements and consequences for noncompliance including the conditions under which a grant may be suspended or terminated for cause;
  - 6. The requirement that funded agencies shall make written financial and programmatic reports at least semi-annually;

7. A statement that if the grant award is for a scholarship/training event or equipment, that the funded agency may, at the discretion of the Board, submit one financial and programmatic report;
  8. The policy of the Board regarding the conditions of ownership of equipment or real property purchased with VALE funds and circumstances under which others may use the equipment or real property, or when ownership may be transferred. At the option of the Board, ownership may be transferred to the funded agency with no further conditions;
  9. A statement that audit/financial statements may be requested by the Board, and the agency's books shall be available for review upon request;
  10. The procedure of the Board for the timing, frequency, and percentage of VALE funds disbursed during the grant period; and
  11. The signature of the authorized official, financial officer, project director and the VALE Board chairperson.
- C. The grant shall be completed and signed by all parties prior to the beginning of the grant award.
- D. No funds shall be released to any grant recipient until a written agreement (grant) has been signed by the appropriate parties.
- E. Any equipment or real property purchased with VALE funds must remain with the grant recipient, and ownership is attached to the Board for 3 years. After 3 years, ownership is automatically transferred to the funded agency with no further conditions. Equipment or real property must be used for the purposes designated in the grant application. If the grantee has no further use for the equipment or real property, this information shall be given to the Board in writing and the Board shall determine what is to be done with the equipment or real property.

#### 4.2 **DISBURSEMENT OF FUNDS**

- A. All awards are contingent upon the availability of VALE funds.

- B. The Board will disburse funds in four quarterly installments. The first payment will be made on or about the beginning of the grant period. The remaining three quarterly payments will be made following local VALE Board approval of all required reports and verification of expenses. Exceptions to this disbursement pattern can be made by a majority vote of the Board. For equipment grants, funds shall not be disbursed until receipt of a purchase order or invoice.
- C. The VALE Board shall send written authorizations to the Judicial District Administrator for the release of these funds.

#### 4.3 **MONITORING AND REPORTING**

- A. Funded agencies shall provide both financial and programmatic reports at least semi-annually. If the grant award is for scholarship/training or equipment, the agencies may report annually.
- B. These reports shall be submitted on forms that are provided by the VALE Administrator on behalf of the local VALE Board.
- C. The VALE Board will review all financial and programmatic reports.
- D. The final reports must include the expenditures of all VALE funds received by the grant recipient.

#### 4.4 **UNSPENT FUNDS BY GRANT RECIPIENTS**

- A. If the grant recipient does not expend all of the monies within the contractual period, the Board in its discretion may extend the time period of the grant or request that monies not used be returned to the Board.
- B. The grant recipient shall notify the VALE Administrator in writing at least thirty (30) days prior to the end of the grant period if it will have unexpended funds.
- C. All unexpended funds shall be returned to the local VALE Board, within 30 days of the end of the grant cycle, unless the grant recipient makes a request in writing for use of the funds beyond the grant period and such request has been approved by the VALE Board.

#### 4.5 **TERMINATION FOR CAUSE**

- A. The Board may terminate any grant for non-compliance of any requirement listed in the written agreement provided that:
1. The agency has an opportunity to respond to the allegations of non-compliance prior to the decision of the Board;
  2. Determination of non-compliance is made by a majority of the Board at either a regular or special meeting of the Board; and
  3. Notice of determination of non-compliance is mailed by certified mail within five (5) working days after the determination of non-compliance is made by the Board.

### **SECTION 5.0**

#### **FINANCIAL AND PROGRAMMATIC PLANNING AND REVIEW**

##### 5.1 **FINANCIAL REVIEW**

- A. The VALE Board, assigned administrative staff within the District Attorney's Office, and the Judicial District Administrator, with the use of the Judicial District Administrator's fund reports, shall conduct an annual financial review to assess the effectiveness of the financial policies of the program. This review shall be documented in the minutes and shall include:
1. A review of the existing methods to determine the amount of VALE funds available and make an assessment of the accuracy of that determination;
  2. A review of the ability to meet existing unpaid obligations prior to making new financial commitments; and
  3. A review of unpaid obligations at the end of the grant cycle to determine which grant recipients will not utilize all of their funds. If any grant recipient has not requested an extension of the grant period, those monies will be de-obligated and returned to the appropriate fund.

## 5.2 **PROGRAMMATIC REVIEW**

- A. The local VALE Board, along with the assigned administrative staff from the District Attorney's Office shall conduct an annual programmatic review that shall be documented in the meeting minutes. The review shall include, but not be limited to:
  - 1. The current grant process;
  - 2. The effectiveness of the reporting process for the grant recipients;
  - 3. An analysis of the services provided to victims within the district; and
  - 4. A review of the priorities of the Board to determine if they are still applicable.
- B. The local VALE Board shall use this review to amend the policies and procedures as appropriate.

## **SECTION 6.0**

### **GENERAL POLICIES AND PROCEDURES**

#### 6.1 **AGENDA**

- A. The conduct of business shall be directed by an agenda prepared by the VALE Administrator with the approval of the Chair.
- B. Any member may add an agenda item to a regular or special meeting by calling or writing the VALE Administrator at least three working days in advance of the meeting, subject to the approval of the Chair. Agenda items may also be added at the time of the meeting by consensus of the VALE Board or a majority vote of the Board.

#### 6.2 **MINUTES**

- A. Minutes shall be kept at all regular and special meetings of the VALE Board and shall be approved at the next appropriate meeting.
- B. Minutes shall include, but not be limited to:

1. Documentation of which Board members were in attendance, that a quorum of Board members were in attendance and any votes that were taken;
2. Date of meeting; time and location; review and approval/correction of previous Board meeting minutes;
3. The language of any motion, together with a summary of any objection or amendment to the motion, and votes taken on each motion, including the vote on each grant request;
4. Any discussion regarding the Declaration of Board or staff member's conflict of interest prior to the motions and the votes of the Board on that matter, to include the action taken as a result of the conflict of interest;
5. The reason(s) for a denial of a grant application;
6. Identification of any grant application brought to the Board for reconsideration of the original decision regarding funding and the reason(s) for the final decision;
7. Documentation of the financial and programmatic review and planning, as described in the Board's Policies and Procedures;
8. Documentation of any review, amendments and/or revisions to the Policies and Procedures or the Bylaws, including the record of votes and the effective date of the change(s); and
9. Documentation of any other business brought before the Board.

### **6.3 ANNUAL MEETING RESPONSIBILITIES**

- A. The VALE Board shall conduct an annual meeting during the first quarter of each calendar year at which time non-grant activities shall be addressed, including, but not limited to the following:
  1. Review Bylaws and Policies and Procedures and make any appropriate changes.
  2. Review the written expenditure agreement for the administrative funds, the upcoming year budget and a year-end expenditure report of the administrative fund for the previous calendar year.
  3. Review the appropriate reports regarding the financial management of the VALE funds.

4. Review the appropriate programmatic policies of the grant funding process.

#### 6.4 **RECORDS RETENTION**

- A. All local VALE program records should be retained the amount of time as required by the District Attorney's Office and the Colorado Judicial Department, but no less than three years after the grant period expires.
- B. A list of all agencies funded by the program should be kept on-site.
- C. Meeting Minutes shall be retained as permanent records.

### **SECTION 7.0**

#### **INFORMATION FOR THE DIVISION OF CRIMINAL JUSTICE**

#### 7.1 **REPORTS**

- A. The VALE Administrator will send required reports to the Division of Criminal Justice pertaining to the activities of the VALE Board. This will include a copy of the administrative fund expenses. (Please refer to Standard 1 of the Standards for the Administration of Victim Assistance and Law Enforcement Programs.)
- B. The VALE Administrator or Judicial District Administrator will send a copy of the *Review of the VALE Assessment and Collection Process* to the Division of Criminal Justice by the date established by the Division. (Please refer to Standard 4 of the Standards for the Administration of Victim Assistance and Law Enforcement Programs.)

### **SECTION 8.0**

#### **PROCESS TO AMEND THE POLICIES AND PROCEDURES**

#### 8.1 **AMENDING THE POLICIES AND PROCEDURES**



- A. These Policies and Procedures may be amended at any regular or special meeting of the VALE Board by an affirmative vote of at least three members, provided that a minimum of five working days notice of the proposed amendment(s) has been given to all VALE Board members. Any amendment(s) to the Policies and Procedures shall be approved by a quorum of the local VALE Board, and shall be documented in the meeting minutes.

**GLOSSARY OF TERMS**

Applicant Agency: An agency that has formally applied for funding from the local VALE Board.

Authorized Official: The authorized official is the person who is, by virtue of their position, authorized to enter into contracts for the funded agency.

**Examples of Authorized Officials**

<u>If the funded agency is a:</u>	<u>Then the Authorized Official may be the:</u>
<input type="checkbox"/> State Agency  An agency of/or unit of local Government: <ul style="list-style-type: none"> <li>• City</li> <li>• County Commissioners</li> <li>• Sheriff’s Department Commissioners</li> <li>• Police Departments</li> <li>• Courts</li> <li>• District Attorney’s Office</li> </ul>	Department or Division Director  Mayor or City Manager Chairperson of the County  Chairperson of the County  Mayor or City Manager Chief Judge District Attorney
<input type="checkbox"/> Non-Profit Agency	President or Chairperson of the Board of Directors
<input type="checkbox"/> School District	Superintendent

Colorado Open Meetings Law: State legislation which provides that the formation of public policy is public business and may not be conducted in secret (Section 24-6-401, 402 C.R.S.).

Coordinating Committee: ***Crime Victim Services Advisory Board***.

Division of Criminal Justice: The Colorado State criminal justice planning agency.

Encumbrance: An unpaid legal obligation to pay for goods and services, supported by a contract, grant, letter of agreement or purchase order.

Financial Officer: The person who is responsible for all financial matters related to the program and who has responsibility for the accounting, management of funds, verification of expenditures, audit information and financial reports. The person who actually prepares the financial reports may be under the supervision of the Financial Officer. The Financial Officer must be a person other than the Authorized Official or the Project Director.

Funded Agency: The term for the agency that has been awarded local VALE funds.

Local Boards: The term used to refer to the twenty-two local Victim Assistance and Law Enforcement (VALE) Boards.

Project Director: The person who has direct responsibility for the implementation of the project. This person should combine knowledge and experience in the project area with ability to administer the project and supervise personnel. S/He shares responsibility with the Financial Officer for seeing that all expenditures are within the approved budget. This person will normally devote a major portion of his/her time to the project, and is responsible for meeting all reporting requirements. The Project Director must be a person other than the Authorized Official or the Financial Officer.

Quorum: A quorum is at least three of the five appointed members of the Victim Assistance and Law Enforcement (VALE) Board.

State VALE Board: The seven-member Governor-appointed Board that makes funding recommendations to the director of the Department of Public Safety regarding the use of the State VALE portion of the funds.

Unpaid obligation: A fiscal encumbrance which the Board is legally obligated to pay because it has ordered something, or has entered into a written agreement for some service, but which has not yet been paid.

These Policies and Procedures supersede previous Policies and Procedures and shall remain in effect until amended or abolished.

Date of Re-Adoption: March 15th, 2011.

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VALE Board, Chair

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VALE Board Member

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VALE Board Member

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VALE Board Member

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VALE Board Member

#### HISTORY OF CHANGES:

There were no changes when the Board adopted the 2007 Policies & Procedures for 2008.

There were no changes when the Board adopted the 2008 Policies & Procedures for 2009.

Changes adopted on September 24, 2009 are as follows:  
\*Section 1.4.A., Public Notice of Availability of Funds: “*website*” removed from list of methods used to notify Public of Available Funds  
\*Section 6.4., Records Retention: addition of item *C. Meeting Minutes shall be retained as permanent records.*

Changes Adopted on March 15<sup>th</sup> for 2011 are as follows:  
\*Glossary term, “Governor’s Victim’s Compensation and Assistance Coordinating Committee” is now noted as the “Crime Victim Services Advisory Board”.  
\*Section 5.2, Review of the Collection Process is deleted. Section 5.3, Programmatic Review, is now named as section 5.2.