## EVIDENCE – PROPERTY/EVIDENCE CONTROL AND RECORDS INDEX

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228.01 SUMMARY

This directive describes the procedures for proper labeling, recording and submitting of physical evidence to ensure the effective prosecution of criminal cases. It also establishes procedures and describes the property control system utilized by the Department.

Whenever evidence or property comes into the possession of the Department, a relationship is created that carries with it the obligation of accountability. In order to fulfill the obligation, it is necessary to centralize all evidence and property. Property coming into the possession or under the control of the Department shall be placed under a formal accountability within the scope of Department property management procedures. All personnel will strive to maintain evidence or property in the same condition as received and to preserve the evidentiary integrity of the item collected.

228.02 IDENTIFICATION OF EVIDENCE

MARKING AND LABELING OF PHYSICAL EVIDENCE –

When a number of evidentiary items are recovered from a scene, the person collecting the items should mark the items in an effort to properly track, identify and label the items later in the transportation and booking process. The person collecting physical evidence will place the item into an appropriate bag or container and take steps to preserve its condition and integrity. The individual collecting the items will mark the bag or container, or affix a tag, with the following information:

- Incident report number.
- Officers Initials and I.D. number.
- Date and time obtained.
- Location obtained.
- Item number and description.
- The item itself may be marked when it will not be processed for evidence and its value will not be depreciated.
- All property items, including evidence, will be entered into the EvidenceOnQ property management system.
228.03 PHOTOGRAPHS

Required Information for or with Department photographs:

- Date taken.
- Photographers name.
- Case Number.
- Lab # or Item #

228.04 MINIMIZE CHAIN OF CUSTODY AND SECURITY

A minimum of personnel should be involved in the security of items of evidence. Individual items will be separately packaged or tagged when deemed necessary by the scene processor. Each time the custody of an item of evidence is changed, the person receiving custody shall:

- Mark the tag or container with their initials and I.D. number, date and time.
- Continue the record of the chain of custody on the Property Report, including date, time, item numbers, signature and the reason they received custody.

228.05 REQUIRED BOOKING BY END OF SHIFT

Officers shall ensure that all evidence or property collected is booked before the end of their shift. Any items booked will be properly entered into the EvidenceOnQ property management system. Officers will ensure that:

- All fields on the EvidenceOnQ property management system requiring information are completed with the appropriate information.
- Bar code labels are printed out for each item of evidence or property collected.
- Bar code labels are attached in the upper right hand corner of the exterior packaging containing the corresponding item of evidence or property collected so the label is clearly visible.
- Any item of property placed in plastic bags shall be heat sealed and marked with the officers initials placed over the seal.
- Any item that can not be placed in a bag or container shall have an evidence tag affixed to the item taking care not to damage any finished surfaces. The bar code label will be attached to the evidence tag.
REQUIRED BOOKING BY END OF SHIFT (con’t)

- Any damp or moisture saturated item shall be appropriately packaged in a breathable container (i.e. paper bag, etc.) or left to air dry in the “drying cabinet” located in the Evidence Warehouse. The item may be tagged with an evidence tag and corresponding barcode.

228.06 LISTING EVIDENCE IN REPORTS

Crime scene processors shall ensure that their narrative or supplemental reports include the following information:

- Date and time of arrival at the scene.
- Location of the crime.
- Names of officers controlling the scene upon arrival.
- Name of victim, if known.
- Name of suspect, if known.

Officers will ensure that a copy of the EvidenceOnQ report is included in the case reports submitted to records.

228.07 EVIDENCE TO COURT

Any employee who takes evidence to court shall:

- Show a relevant Subpoena to an Evidence Technician prior to the item(s) being checked out for court.
- Place their initials, date and time on the exterior packaging or evidence tag documenting the continued chain of custody.
- Sign the EvidenceOnQ signature pad showing the items were released to them.
- Complete a Court Transfer Receipt for any items submitted into evidence (exhibit) at court. The transfer receipt shall include the date, time, and items being released to the court, presiding judge and signature of the court representative receiving the items on behalf of the court.
- The Court Clerk should ensure chain of custody markings remain intact with the items.
- If the Court Clerk refuses to sign the Court Receipt, the Officer shall notate the Clerk’s name along with the presiding Judge on the form and indicate the clerk refused to sign. The Officer shall have a representative of the DA’s Office (i.e. Paralegal or Attorney assigned to the case) sign the Court Receipt in addition to the Officer.
EVIDENCE TO COURT (con’t)

- Return any items not retained by the court to the Grand Junction Police Department Evidence Section prior to the employee leaving at the end of the day. Items received by the Evidence Custodian from the Court Clerk shall be returned to the property room.

228.08 FINAL DISPOSITION(S)

Property and Evidence personnel shall ensure:

- Illegal drugs, contraband and illegal weapon(s) are destroyed in accordance with “Municipal Ordinance(s)” 2.44 (2.44.010 to 2.44.080), and applicable law.

- Items that may be legally possessed will be returned to the owner or his/her designee unless a court order dictates an alternate disposition.

When the owner cannot be located, items may be auctioned, destroyed or used by the department per Municipal Ordinance(s)” 2.44 (2.44.010 to 2.44.080)

228.09 SUBMISSION OF EVIDENCE TO OUTSIDE LAB (other than C.B.I.)

Records of physical evidence submitted to outside forensic labs will include:

- All prior chains of custody.
- Name of person submitting or mailing.
- Date and method of shipment.
- Name of the investigating Officer.
- A cover letter prepared by the Case Officer that includes a brief synopsis of the case, the evidence being submitted, and the type of examination or comparison being requested.

228.10 SUBMISSION OF EVIDENCE TO THE C.B.I. LAB.

The Grand Junction Office of the Colorado Bureau of Investigations is staffed, in part, with Criminalists provided by the Grand Junction Police Department. Their primary responsibility is to conduct forensic examination, processing or identification of evidence submitted by members of the Grand Junction Police Department. As such, any items of evidence submitted to the Grand Junction C.B.I. Office that will not be worked by G.J.P.D. Criminalists, shall adhere to the requirements listed under section 228.09, “Submission of Evidence to Outside Lab” and section 228.13, “General Management of Property or Evidence.”
### SUBMISSION OF EVIDENCE TO THE C.B.I. LAB. (con’t)

Any item of evidence booked into the property section that is to be examined, processed, or identified by a Criminalist of the Grand Junction Police Department shall:

- Be transported to the C.B.I. facility by an Evidence Technician.

- Have the integrity of the item maintained during transport. All seals, tags and markings shall remain intact and efforts made to keep the item from being damaged or destroyed.

- Have the corresponding C.B.I. “Request for Laboratory Examination” form accompany the item.

- A cover letter must accompany the RFLE submission. Cover letters should provide a brief synopsis of the crime, including any information that will help determine which forensic analysis will produce the best results and answer the investigative questions. Indicate the type of analysis requested for each item.

- In cases where physical evidence is examined by a forensic laboratory, copies of the reported findings shall be sent to the District Attorney, the investigating Officer and the original report placed in the case file.

### 228.11 MANDATORY SUBMISSION OF ALL PROPERTY AND EVIDENCE

All property coming into the custody, possession or control of the Department shall be promptly placed into the property accountability system. This includes all items coming into the possession of personnel that are illegal or court ordered to be destroyed. (Exceptions may be non-evidence or perishable food items)

### 228.12 SPECIFIC MANAGEMENT OF PROPERTY OR EVIDENCE

#### MONEY (CASH)

- All monies will be counted and packaged separately from other evidence. A currency Control Form depicting the number of denominations and change will accompany each item and placed within the package so it is visible. Each package will be individually bar coded and heat sealed with the officers initials placed along the heat seal prior to being submitted as evidence or property. Money items shall be opened and counted by two (2) evidence personnel.
SPECIFIC MANAGEMENT OF PROPERTY OR EVIDENCE (con’t)

FIREARMS

- Each firearm will be individually packaged.
- All firearms taken in as found property or for safekeeping will be unloaded and the cartridges placed in a separate container(s).
- The exception is loaded firearms used in the commission of a crime. They may be submitted to the Evidence Section in order to preserve evidence for further processing.
- The packaging will be marked "Loaded Firearm" in large print conspicuous enough to alert any Evidence Technician subsequently handling the item that the weapon is loaded. If needed, a clean sheet of paper may be used to write the "Loaded Firearm" warning on and placing it in the evidence bin with the firearm. Any corresponding property reports shall also indicate that the weapon is loaded. A Lab Request will accompany a loaded firearm specifying evidence to be collected, preserved or documented.

DNA – In accordance with H.B. 08-1397, or any subsequent revisions thereto:

- All reasonable and relevant evidence that may contain DNA shall be preserved in an amount and manner sufficient enough to develop a DNA profile, based upon the best scientific practices at the time, from the biological material contained in or included on the evidence.
- All reasonable and relevant evidence that may contain DNA that is collected in relation to the conviction of a Class 1 Felony or a Sex Offense that carries the possibility of an indeterminate sentence pursuant to section 19-1.3-1004 shall be preserved for the life of the defendant. At the end of the life of the defendant, the Evidence Technician may dispose of the evidence.
- Any DNA profiles developed by an accredited laboratory within the State of Colorado shall be preserved by that laboratory until notified otherwise.
- Any laboratory located outside the State of Colorado that develops DNA profiles shall send the profile and all relevant slides, materials, documents to an accredited laboratory located within the State of Colorado. The receiving laboratory shall preserve the DNA profile and all relevant items until notified otherwise.
SPECIFIC MANAGEMENT OF PROPERTY OR EVIDENCE (con’t)

228.13 GENERAL MANAGEMENT OF PROPERTY OR EVIDENCE

- If evidence containing biological material is of such size, bulk, or physical character rendering retention impractical, then portions of the evidence likely to contain biological material related to the offense shall be removed and preserved, based upon the best scientific practices at the time, to permit future DNA testing. The remainder of the item of evidence may be returned or disposed of, but not before approval has been granted by the District Attorney and/or an order of the court has been received.

- Evidence that may contain DNA that is collected for an investigation in which charges are not filed shall be preserved for the length of the statute of limitations for the crime that was investigated.

SUSPECTED CONTROLLED SUBSTANCES – All controlled and/or suspected controlled substances will be bagged, sealed and gross weighed, with the submitting Officer placing their initials along the heat seal and placing the corresponding bar-code label on the exterior packaging in the upper right hand corner of the package. Drug items shall be submitted separately from other items.

- Growing cannabis

  1. Photographs will be taken by the seizing Officer. The plants will be removed from the soil, counted and placed in paper bags.

  2. Each bag containing cannabis will be weighed with the gross weight being annotated in the EvidenceOnQ property management system.

  3. Each bag will be individually bar-coded and sealed.

- Green marijuana

  1. Green or damp marijuana will be placed in paper bags.

  2. Each bag containing marijuana will be weighed with the gross weight being annotated in the EvidenceOnQ property management system.

  3. Each bag will be individually bar-coded and sealed.
GENERAL MANAGEMENT OF PROPERTY OR EVIDENCE (con’t)

- **Individual items (pills and capsules)**
  1. The items will be placed in a heat-sealable bag and weighed with the gross weight being annotated in the EvidenceOnQ property management system.
  2. Each bag will be individually bar-coded and sealed.

- **Other Particulate items (powder and pieces)**
  1. Items will be placed in heat-sealable bags and weighed with the gross weight being annotated in the EvidenceOnQ property management system.
  2. Each bag will be individually bar-coded and sealed.

Evidence will be properly packaged and sealed by the Evidence Technician when sending it through the U. S. Mail, U.P.S. or any other commercial or private carrier.

Any evidence transported to the Grand Junction C.B.I. Office for examination by GJPD Criminalists do not have to be repackaged and sealed by the Evidence Technician for items that are already sealed, tagged and/or markings are still intact. Any items not sealed by the submitting officer require that either:

- Notification is made to the Criminalist conducting the analysis advising them that an item of evidence, not packaged, will be transported to the C.B.I. facility in its original submitted state and turned over to the examining Criminalist; or,

- The item of evidence being transported will be properly packaged and sealed for transportation to the facility.

Bicycles, large items, hazardous and highly flammable materials will be secured in the Evidence Warehouse.

Perishable food items should be inventoried on a supplemental report, photographed and released to the owner.

Shoplift Evidence should remain secured by the owner pending court proceedings. The assigned Officer will instruct the reporting party to inventory and properly mark the evidence to establish the chain of custody.

Officers releasing non-evidence or perishable food items to owners shall inventory the items on a Property Receipt and have the owner sign the report to document that they did receive their property.
228.14 PROPERTY AND LAB REPORTS

PROPERTY REPORTS – The EvidenceOnQ property management system utilized by the Property Unit will reflect the current status of all property held in-custody by the Department.

- An entry into the EvidenceOnQ property management system shall be made on all items initially submitted to the property and evidence section.

LAB REQUEST REPORTS – A Lab Request is required for:

- When a Laboratory exam or service is requested, to exclude any items being submitted to the Grand Junction C.B.I. facility.
- When submitting a loaded firearm.

228.15 PROPERTY AND EVIDENCE CONTROL RESPONSIBILITIES

If the items are not submitted according to procedure, the Evidence Technician will forward a Physical Evidence Report to the employee's Supervisor. The correction is to be made by the employee within five working days.

The Evidence Technician is responsible for securing and preserving all properly submitted evidence and property while ensuring the chain of custody pending a final disposition.

The Evidence Technician is accountable to secure custody of all property accepted by and stored in the agency's evidence rooms. In-custody property shall be stored within designated secure areas.

Only Evidence Technicians and their immediate supervisor will have access to the evidence storage rooms and evidence warehouse. Officers, accompanied by an Evidence Technician or the Property/Evidence Supervisor, may enter these areas for specific purposes.

Items of property requiring added protection (money, precious metals, firearms, jewelry, gemstones, and controlled substances schedules I through V shall be stored in a separate, locked secure area within the property storage area. These types of items will be separately bar-coded. Perishable items including whole blood and sexual assault kits shall be secured based upon the best scientific practices at the time.

228.16 RELEASE OF PROPERTY

It is the responsibility of the assigned Officer to provide final disposition information, including determining ownership of items and what items are to be auctioned, returned or destroyed.
RELEASE OF PROPERTY (con’t)

The Evidence Technician will send evidence review forms to the case Officer who will complete and return them to the Evidence Technician within sixteen (16) working days.

Final disposition of found, recovered and evidentiary property will be completed by the Evidence Technician within six (6) months after determining that legal requirements have been satisfied.

228.17 RELEASE OF EVIDENCE

Authorizing the release of evidence is the responsibility of the Officer to whom the case is assigned. When ownership is later determined to be different than originally reported in the EvidenceOnQ property management system, the assigned Officer will advise the Evidence Technician to ensure the items are not improperly released or destroyed. Officers will provide the Evidence Technician with case dispositions and the following information:

- Incident Report number.
- Items to be released to specific persons or organizations.
- Items to be destroyed or auctioned.

The Evidence Technician will release or destroy evidence only with authorization from any one of the following:

- The assigned Officer or his Supervisor.
- The Office of the Prosecuting Attorney.
- The Court Clerk.
- The Evidence Unit Supervisor.

Any items of evidence that may contain DNA will be released or destroyed in accordance with the requirements and guidelines set forth in H.B. 08-1397, and any revisions thereto, concerning the disposition of evidence collected in criminal cases.

228.18 RELEASE OF CONTROLLED/ILLEGAL ITEMS OR SUBSTANCES

Items that are controlled or illegal to possess as defined by Colorado Statutes (i.e. drugs or illegal weapons) will only be released to those individuals who are representatives of either a Federal, State, County or Municipal Law Enforcement Agency authorized to possess the item/substance in question; or who possess the proper governmental authorization for them to possess the item/substance in question.

Prior to releasing the items in question, the receiving agent/individual shall be required to produce a current governmental I.D. or credential and a current governmental document authorizing them to possess the item/substance in
RELEASE OF CONTROLLED/ILLEGAL ITEMS OR SUBSTANCES (con’t)

A copy of the document authorizing the individual to possess the item/substance in question will be made and entered into the EvidenceOnQ property management system or the case reports. Examples are:

- Officials from other State, County or Municipal Law Enforcement agencies who are receiving items/substances as part of an ongoing investigation or who are the primary/original investigating agency, etc. GJPD personnel will verify they have current and valid Law Enforcement Credentials from the agency they are purporting to represent prior to the release of any item.

- Federal Law Enforcement Officials who receive possession of illegal weapons (i.e. Bureau of Alcohol Tobacco and Firearms). GJPD personnel will verify they have current and valid Federal Law Enforcement Credentials.

- Individuals who are either acting on behalf of, or who are a private lab/entity that either examines, tests, evaluates, or otherwise subjects the item/substance in question to further examination on behalf of defense counsel for any criminal prosecution, or who are acting on behalf of counsel reference any civil litigation, will be required to produce a current governmental identification and a governmental document authorizing them to possess the controlled/illegal item or substance in question. GJPD personnel will ensure the identification matches the individual present and that a copy is made of the document authorizing the individual to possess the item/substance in question (i.e. a D.E.A. Controlled Substances Registration Certificate). GJPD personnel shall enter the copy of the document in either the case jacket and/or the EvidenceOnQ property management system.

The passage of Amendment 64 legalizing possession of small amounts of marijuana and marijuana accessories, every effort should be made by an officer to avoid taking possession of legal (under Colorado law) amounts of marijuana. There will instances where “legal” marijuana will come into our hands. If an officer has no option but to take the marijuana and/or accessories and place it into our Property Section, it shall be seized and treated as contraband from that point forward.

The officer shall provide information to the owner of the marijuana on how it will be handled by our department by issuing a Notice of Seized Property form.
RELEASE OF CONTROLLED/ILLEGAL ITEMS OR SUBSTANCES (con’t)

- The form shall contain the name of the arrestee/owner of the marijuana, the case number, date and seizing officer’s name. There is a place for the owner of the marijuana to sign indicating he/she has received a copy of the notice.

- If the owner refuses to sign, the officer should indicate that on the form. The owner may also sign the form indicating they choose to give up this contraband. The form is a two-part carbon copy form. The original form shall be retained by the officer and submitted with the seized marijuana to the GJPD Property Section. The Property Section will forward the form to Records. The second copy should be given to the owner of the marijuana.

- Individuals requesting the release of marijuana under the “Medical Marijuana” law will be given the Notice of Seized Property Form and the marijuana and/or paraphernalia will be treated the same as above.

228.19 RELEASE OF PROPERTY TO OWNER

Property will be returned to the owner, designee of the owner, or other authorized person unless the owner or an authorized person cannot be identified or there is a legal basis for not returning the property.

Citizens who found lost or abandoned property that was turned over to the Department may claim the property in accordance with municipal ordinances.

The Evidence Technician will release items of non-evidence when:

- The owner or authorized designee presents suitable identification.

- The owner or authorized designee signs page one of the Property Report, verifying receipt of the item.

228.20 UNCLAIMED ITEMS

These items will be auctioned, destroyed or may be returned to the finder in accordance with municipal ordinances. The Purchasing Department of the City of Grand Junction will handle any other transfers, sale or salvage of property. Property not disposed of by alternatives available to the Department will be sold, or otherwise transferred.

Unclaimed items may be retained for Department use, when:

- A written request to retain the unclaimed item for
UNCLAIMED ITEMS (con’t)  

training purposes in accordance with Municipal Ordinances has been approved by the Chief of Police. 
* The request and authorization will remain with the respective case reports and/or entered into the EvidenceOnQ property management system. 

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PERIODIC INSPECTIONS AND REPORTING

228.26 FIREARMS SURRENDERED FOR PROTECTION ORDERS

The Property/Evidence Supervisor will conduct quarterly inspections to ensure adherence to procedures for the control of in-custody property. The results of the inspection will be sent to the Services Administrative Commander or designee. Reports shall be due in March, June, September and December.

Persons arrested for Domestic Violence offenses are required to relinquish all firearms and ammunition (CRS 13-14-105.5).

- The Officer will ensure the surrender is part of a case that it is within GJPD jurisdiction or the person is a City of Grand Junction resident. If the surrender is the result of a case originating in another jurisdiction, the surrendering party will be directed to the appropriate agency. If the surrender is not part of an active case but is the result of a civil matter that originated within the GJPD’s jurisdiction, the officer will initiate a new case number.

- The Officer will inventory the firearms and/or ammunition to include quantity, make, model, caliber, serial number, identifying marks, and general condition where appropriate.

- The Officer will issue a Property Receipt to the person relinquishing the weapons/ammunition. This receipt will be signed by the officer and the surrendering party and will include a reasonable description and inventory of the items surrendered. The Officer will retain one copy of the Property Receipt to be booked into Evidence with the items.

- The Officer will book the items into the Property Section and list all items in EvidenceOnQ. The Property Type field to be used will be "Protection Order Relinquishment".

- Upon request for release of firearms/ammunition under a Protection Order Relinquishment, the Evidence Technician shall require written authorization from the courts permitting such release. A background check will be completed by the Evidence Technician for a proposed recipient of the items.

- Upon satisfactory completion of a background check and with written authorization from the courts, the Evidence Technician will release the items to the surrendering party or the surrendering party’s written designee by appointment.