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#### **FIREARMS**

#### 1.0 General

1.1 <u>Purpose:</u> To provide direction to police officers regarding the control, storage.

usage, and wearing of service firearms. Officers will strictly adhere

to the provisions of this policy.

1.2 <u>Scope:</u> All police officers should pay particular attention to this

policy. Supervisors must be constantly vigilant to ensure total compliance with this policy. Any deviation whatsoever will be considered a serious infraction and will be treated as such. This policy includes references to other policies and legislation such as the *Criminal Code*, *Canadian Aviation Security Regulations*, and

National Firearms Act Public Agency Regulations.

1.3 <u>Principle</u>: Officers have a-responsibility to be fully versed in the

use of force guidelines as contained in the *Criminal Code* and associated policies. Decisions are subject to review

in criminal, civil and/or disciplinary proceedings.

#### 2.0 Definitions

- 2.1 **Firearm** a firearm as defined under Section 2 of the *Criminal Code*.
- 2.2 **Secure Firearms Box** a container designed to store firearms and ammunition in RNC vehicles.
- 2.3 **Service Firearm** a firearm, approved by the Chief of Police, and officially issued to an officer.
- 2.4 All references to firearm control and storage in this chapter will include firearms and ammunition.

#### 3.0 Issue of Firearms

- 3.1 Operational Assignments:
  - a. Officers upon their first assignment to operational duties will be issued a firearm by the Use of Force Training Unit.

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- b. The unloaded firearm will be secured in the officer's personal firearms storage locker at RNC facilities, or in other approved locations, when the officer is not on duty.
- c. Upon being transferred to another Division or Region, officers within the Northeast Avalon Region will report to the Use of Force Unit to ensure that they are in possession of the correct firearm and baton for their new assignment. Officers transferring from the Corner Brook Region and officers transferring from or within the Labrador West Region will report to their respective regional armory officers for firearm and baton verification prior to transferring.
- d. Officers assigned to non- operational positions will turn over their firearms locker key to the NCI i/c of the Use of Force Section or designate. The key will be returned once they are assigned operational duties. It will be the discretion of the NCO i/c of the Use of Force Section whether the equipment is moved to the armoury.

#### 3.2 Tactics and Rescue Unit:

- a. Officers of the Tactics and Rescue Unit (TRU) when first assigned to the Unit and following qualification will report to the Use of Force Training Unit for issuance of the appropriate firearm.
- b. Officers of TRU will use this firearm as their service firearm for all operational requirements.
- c. Officers will adhere to the appropriate guidelines outlined in this policy. The unloaded firearm will be secured in the TRU facility when the officer is not on duty.
- d. The TRU facility shall be secured at all times.
- e. TRU officers assigned to duties away from headquarters (i.e., JFO) will retain their service firearm and will follow existing policy governing the storage of that firearm away from Headquarters.
- f. Officers of TRU assigned to duties away from headquarters will be provided with a second firearm which will be stored at the TRU office

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under the control of the NCO i/c of the Unit. This firearm is to be used by the officer only for operational requirements of the Unit.

g. Officers will return their TRU service firearm to the NCO i/c of the TRU upon being transferred from active duty with TRU.

### 4.0 Handling of Firearms

- 4.1 Each officer must use the utmost discipline in the handling of firearms to prevent their accidental discharge or theft.
- 4.2 Officers will use the loading/unloading ports located in RNC facilities. Approved range facilities may also be used for this purpose.
- 4.3 Each officer will carry a service firearm in a safe and professional manner.
- 4.4 An officer will not loan or give their service firearm to another officer or any other person unless prior authorization is obtained from the Chief of Police or his/her designate.
- 4.5 Each officer will ensure that their service firearm is clean, presentable and in good working order at all times.

#### 5.0 Firearms Training and Qualifications

- 5.1 Firearms training shall be compulsory for every police officer issued a firearm.
- 5.2 The Use of Force Training Unit shall arrange additional training, as necessary, to ensure police officers achieve the required standard of competence in all RNC firearms as prescribed in the RNC Use of Force Training Manual.
- 5.3 Police officers who are service firearms are required to meet firearms qualification standards each calendar year.
- 5.4 Police officers who fail to re-qualify in the use of firearms each calendar year, at the discretion of the Chief of Police, may not retain their firearm until they meet qualifying standards.

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- 5.5 Within 30 days after each calendar year, the Use of Force Training Unit shall prepare a list of police officers who have met firearm qualification standards that year and provide it to the Chief of Police.
- 5.6 All police officers who are service firearms shall be required to re-qualify in the use of firearms and use of force training standards. Divisional Commanders and Platoon Commanders will be responsible to ensure that all police officers under their command are re-qualified according to this schedule.
- 5.7 The Chief of Police may, at his/her discretion, exempt a police officer from Use of Force training by reason of a medical condition. Such an exemption would result in that police officer being assigned to non-operational duties.
- 6.0 Carrying Firearms
- 6.1 Responsibility:

Officers must bear in mind that they alone are responsible for their actions.

- 6.2 Requirements on Specific Officers with Respect to Carrying Firearms:
  - a. <u>Plainclothes and Forensic Identification</u>: These members will immediately upon reporting for duty, equip their person with their service firearm.
    - (i) Some members, who are assigned to plainclothes duties, work in sections or units that carry out roles that are for the most part administrative. These include: Professional Standards, Crime Analysts, Intimate Partner Investigators, Investigative Interviewing and Polygraph, CISNL, Crime Stoppers, Video Services Unit, Correctional Services, Internet Child Exploitation, and the National Sex Offender Registry. Members assigned to these areas will not have to carry their firearm when carrying out their routine duty;
    - (ii) However, these members will carry their firearm if they are operating a marked or unmarked police vehicle or are involved in tasks or investigations that take them outside their office environment.
  - b. Uniformed Officers: Uniformed officers assigned to Patrol Operations and

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Operational support will, immediately upon reporting to duty, equip their person with their service firearm.

- (i) Some uniformed officers carry out duties that are mostly confined to their office environment. This includes members assigned to:

  Communications Center, File Management Unit, Support Services, and any other uniformed officer assigned duties carried out primarily within an RNC building. Members assigned to these areas will not have to carry their firearm when carrying out their routine duty;
- (ii) However, these members will carry their firearm if they are operating a marked or unmarked police vehicle or are involved in tasks or investigations that take them outside their office environment.
- c. <u>Commissioned Officers</u>: Commissioned Officers carry out a mostly administrative role in the RNC and for the most part it is not necessary for them to carry their firearm on a daily basis. However, there are occasions when Commissioned Officers must carry their service firearm:
  - (i) When on duty as Platoon Commander;
  - (ii) When attending the scene as Incident Commander;
  - (iii) When attending the scene of an armed and barricaded person, or armed persons holding hostages, or any other incident where a weapon has been used or could potentially be used;
  - (iv) When actively involved in any investigation or incident that will take them outside their office environment, especially where there could be contact with a suspect(s); and
  - (v) When operating a marked police vehicle.
- 6.3 All members responding to scenes of Critical Incidents will be armed. It does not matter what role or capacity a particular member may have at the scene; there will be no exceptions to this policy.
- 6.4 All members, when operating marked patrol vehicles will be equipped with issued firearm.

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- 6.5 For direction with regard to concealment of service firearms, refer to <u>Dress & Deportment Policy.</u>
- 6.6 Escort Duty:
- a. Escorting Psychiatric Patients
  - (1) Officers will carry firearms while escorting psychiatric patients during the initial conveyance to a secure psychiatric detention facility following an arrest and/or subsequent transfers between medical facilities and other facilities (e.g., lock-up, Court, etc.).
  - (2) Officers will carry firearms inside secure psychiatric detention facilities while escorting psychiatric patients except when visiting the **Forensic Unit** at the Waterford Hospital. Officers must store their firearms in the Secure Firearms Boxof their police vehicles before entering the Forensic Unit.
  - (3) Officers will carry firearms when visiting psychiatric patients in a secure psychiatric detention facility for the purpose of interviews, service of process, routine complaints, etc. except when visiting the Forensic Unit at the Waterford Hospital. Officers must store their firearms in the Secure Firearms Box of their police vehicles before entering the Forensic Unit.
  - (4) The restrictions to the carrying of firearms to the **Forensic Unit** do not apply to calls for assistance from the Waterford Hospital where the hospital has declared a situation Code White, Level III. This typically occurs in cases where there is an armed or barricaded patient and the hospital is seeking the assistance of police to regain control of the Unit.
  - (5) Officers will ensure that proper searches are conducted and proper restraints are used in accordance with RNC policy when escorting psychiatric patients.
- 6.7 Carrying Firearms in Correctional Facilities:
  - a. For the purpose of this chapter correctional facilities will include all federal

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and provincial correctional facilities including HMP, lock-ups, youth detention facilities and any other facility designated or intended for the purpose of detention.

- b. Law enforcement officers are not permitted to enter the principal area of a correctional facility while in possession of a firearm.
- c. Before an officer can proceed to the principal area of a correctional facility their firearm must be unloaded and secured in the secure firearms box of their police vehicle or in the designated storage area(s) at the facility. The officer must keep possession of the key and ammunition.
- 6.8 Officers will not wear service firearms while conducting interviews with accused persons. Officers must bear in mind that the mere presence of a service firearm in an interview setting may result in the voluntary nature of the statement being questioned.
- 6.9 Wearing of Duty Firearms while Attending Memorial University of Newfoundland
  - a. Members of the RNC who are attending class as a student or instructor will not wear their firearms while at any of the MUN campuses.
  - b. Memorial University Senate made the decision to prohibit wearing in classrooms on campus. This decision has been confirmed by the Board of Regents at MUN.

#### 7.0 Storage/Security of Service Firearms

- 7.1 Every officer is responsible for the safe storage of service firearms. Officers will ensure the following conditions are met:
  - a. The **unloaded** firearm is secured in the officer's personal firearms storage locker at RNC facilities or in another approved location when the officer is not on duty.
  - b. The lockers shall be secured at all times and must contain **only** the service firearm, magazines and ammunition, O.C. Spray and Baton.
  - c. Service firearms will not be taken to an officer's residence while off duty

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except as authorized by the Chief of Police.

- d. Officers assigned to the following duties are authorized by the Chief of Police to store their service firearms at their residence:
  - (1) on-call officer for Criminal Investigation Division:
  - (2) on-call officer for Traffic Enforcement & Accident Investigation;
  - on-call officer for Forensic Identification; and (3)
  - officers assigned to Police Dog Services. (4)
- e. Officers assigned to duties where they are authorized by the provisions of this chapter to store their service firearms at a location other than RNC facilities will be issued an approved handgun carrying case complete with padlock and trigger lock. When storing a service firearm during off-duty hours in facilities other than the RNC, all officers will ensure the following:
  - (1) unload the firearm;
  - (2) lock the firearm with the supplied trigger lock;
  - (3) place the firearm and the ammunition in the storage case;
  - (4) secure the firearm storage case with the supplied padlock;
  - (5) store the case in an inconspicuous location out of the reach of children; and
  - (6) the officer must retain both keys until their return to duty.
- f. In extenuating circumstances, officers other than those specifically identified in this chapter may be authorized to store their service firearm at a location other than an RNC facility by the Chief of Police or his/her designate. The safe storage provisions of this chapter shall apply.
- Notwithstanding the above provisions, officers who are authorized to store g. their service firearms at a location other than RNC facilities shall arrange

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to store their service firearms at an RNC facility while absent from duty in excess of 5 consecutive working days unless storage at their residence or any another location has been expressly approved by the Chief of Police or his/her designate in such circumstances.

- Officer's service firearms will be stored at the RNC Armory when officers h. are on extended leave.
- i Officer's service firearms will be stored at the RNC Armory when officers are assigned to non-operational positions and they cannot be assigned operationally.
- The National Firearms Act Regulations permits deviation from the above j. provisions when it is necessary for a peace officer to have ready access to a firearm on condition that express written instructions are provided by a designated person in authority. For the purposes of this Section, such written instructions may only be provided to an officer of the Royal Newfoundland Constabulary by the Chief of Police or his/her designate.
- Officers assigned to Joint Forces Operations shall comply with the safe k. storage provisions of the host agency.
- 1 In instances where no secure storage is provided by a particular facility, service firearms will be secured in the Secure Firearms Boxof the assigned police vehicle.
- Officers will not, under any circumstance, store their personally owned m. firearms in any RNC facility.

#### 8.0 Type of Weapon/Ammunition

- 8.1 Where the Chief of Police or his designate, authorizes an officer to carry a firearm, only the firearm that is issued specifically to that officer may be carried.
- 8.2 An officer shall carry the service firearm in a holster approved by the Chief of Police or his/her designate.
- 8.3 When carrying their service firearm on duty, officers shall ensure their firearm is

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loaded.

- 9.0 Patrol Carbine
- 9.1 Refer to Patrol Carbine policy.
- 10.0 Less Lethal Shotgun
- 10.1 Refer to Less Lethal Shotgun policy.
- 11.0 Shotguns
- 11.1 Each NCO vehicle shall have a shotgun assigned to it. The weapon will either be secured in the emergency kit, in the rear compartment of the vehicle or in the shotgun rack.
- 11.2 This firearm may be issued to another officer at the discretion of the attending NCO when on an operational call.
- 11.3 A shotgun will be stored unloaded when contained in the vehicle's emergency kit. When stored in the shotgun rack, the weapon will be in a "load for duty" condition. This means that four rounds will be in the magazine, with neither round in the chamber.
- 11.4 Extra ammunition for the shotgun will be stored in the Supervisor's Patrol Unit in the secured tactical box located in the trunk.
- 11.5 When the vehicle has to be taken out of service for maintenance, it will be the responsibility of the assigned vehicle driver to remove the shotgun/ ammunition and place same in the designated storage cabinet which will be maintained at the district/division firearm storage facility.
- 11.6 Each NCO vehicle must be inspected by the assigned driver prior to the commencement of patrol. As part of that inspection, the shotgun must be checked to ensure that it is not loaded, is free from defects and it is verified to be the weapon assigned to that vehicle. The results are to be forwarded to the member's supervisor for review on the Police Vehicle Equipment Check Sheet (RNC # 100).

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#### 12.0 Maintenance of Firearms

#### 12.1 Firearms:

- a. The Use of Force Training Unit shall maintain all RNC weapons in serviceable condition.
- b. Alteration or modification of RNC firearms is prohibited unless conducted or arranged by the Use of Force Training Unit.
- c. Officers will immediately return firearms to the Use of Force Training Unit when:
  - (1) the firearm is dropped or is damaged in any manner;
  - (2) the firearm is not performing properly or is suspect; or
  - (3) requested by the Use of Force Training Unit.

#### 12.2 Ammunition:

Damaged or suspect ammunition shall immediately be returned to the Use of Force Training Unit or designate for replacement.

#### 12.3 Cleaning:

- Officers will be responsible for cleaning their service firearms; and
- Firearms will be cleaned on a monthly basis and after being fired.

#### 13.0 Removal of Firearms from Police Vehicle for Vehicle Servicing

- 13.1 If a vehicle has to be taken out of active operation to be serviced by outside civilian agencies the officer submitting the request must ensure all firearms and ammunition are removed and secured in a designated location.
- 13.2 Fleet Manager's Responsibilities:
  - a. The Fleet Manager or his/her designate will check the trunk of each and

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every vehicle placed in the police garage or destined for repair at another location. This is to ensure that it does not contain firearms. If there are firearms present, the Fleet Manager shall **immediately** notify the Divisional or District Commander, or designate, to ensure all items are removed from the vehicle before submitting for service.

### 14.0 Inspections

- 14.1 All inspections of service firearms and firearm storage areas in the Northeast Avalon Region will be the responsibility of the Inspections Officer.
- 14.2 Inspection of service firearms and firearms storage areas will be conducted on a semi-annual basis by the Inspections officer or his or her designate and a semi-annual report will be forwarded to the Office of the Chief of Police. There may also be unscheduled inspections of service firearms and forearm storage areas.
- 14.3 The Divisional Commander of the Corner Brook-Labrador West Division in consultation with the Inspections Officer will designate an officer in each region who will be responsible for the inspection of the service firearms and firearm storage areas.
- 14.4 The designated officers responsible for the inspection of service firearms and firearm storage areas in the Labrador West and Corner Brook Regions will forward their semi-annual firearm inspection results to the Inspections Officer as soon as practical.
- 14.5 Officers will make available their service firearms to the Inspections Officer or designate for inspections as required.
- 14.6 Should a firearm or ammunition be unaccounted for, an immediate report will be made to the Chief of Police.

#### 15.0 Audit

15.1 A comprehensive audit of all aspects of this policy will be conducted on an annual basis and a report forwarded to the Chief of Police. This audit requirement in no way relieves supervisors of their responsibilities to ensure strict compliance with this policy.

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#### 16.0 National Firearms Act Regulations

16.1 The National Firearms Act Public Agency Regulations impose significant requirements on Police Agencies in relation to the acquisition, storage and disposal of firearms. All officers should be familiar with these requirements and ensure adherence to these regulations.

#### 17.0 Use of Firearms

- 17.1 The use of a service firearm will be in accordance with the approved Use of Force Continuum.
- 17.2 An officer will draw a service firearm only when:
  - a. it is necessary for the protection of their life or the life of another; or
  - b. it is necessary in the apprehension or detention of a person believed to be armed and dangerous.
- 17.3 An officer shall not discharge a service firearm in the performance of their duty except:
  - a. in defense of their life or the life of another.
  - b. to affect the apprehension, when other means are ineffective, of a person who is, on reasonable and probable grounds, believed to be armed and dangerous.
  - c. to destroy a potentially dangerous animal or one which is so badly injured that the only humane choice would be to destroy it.
  - d. on an approved target range under the supervision of a Use of Force Instructor.
  - e. as authorized by the Ground Search and Rescue Coordinator during active ground search operations where no other means of attracting attention are available.
- 17.4 Officers shall **NOT** resort to the use of firearms under the following

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#### circumstances:

- a. to apprehend a person who is committing, or who has committed, or who is about to commit, any offence if the freedom of that person does not constitute a reasonable and serious threat to life.
- b. to apprehend a person who is committing, or who has committed, or who is about to commit, any offence if the use of firearms constitutes a greater threat to life than does or will the freedom of that person.
- c. to discharge at or from a moving vehicle unless no other means is available to gain control of a situation which the officer reasonably believes may result, if allowed to continue, in death or serious bodily harm to any person, and there is no reasonable foreseeable likelihood of injury or death to an innocent person resulting from the officer's action.
- d. to fire a warning shot.
- 17.5. An officer shall not threaten or attempt to intimidate any person by means of a firearm unless it is in an attempt to apprehend and/or affect the arrest of that person in accordance with the approved Use of Force Continuum.

#### 18.0 Response to Firearms Calls

18.1 There will be a minimum of two officers responding to known weapons or firearms calls.

#### 19.0 Reporting Procedure

- 19.1 In every instance, where an officer draws or points at any person or discharges a firearm in the course of duty, that officer will immediately comply with the reporting provisions of the <u>Use of Force</u> policy.
- 19.2 The Chief of Police may, upon review of an officer's report, order an investigation into the circumstances which gave rise to the firearm being drawn or discharged.

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#### 20.0 Officer Involved Shooting

- 20.1 In every instance, where an officer's use of a firearm results in injury or death to any person the following procedure shall apply:
  - The involved officer will, immediately after the situation is diffused, turn the discharged firearm (which has been proven safe) and ejected ammunition over to a supervisor or his/her designate;
  - b. The supervising officer or designate officer will take possession of the discharging officer's firearm. He/she will maintain custody of the firearm until the arrival of the investigative team who will provide direction;
  - A supervisor will ensure that involved officers, i.e., those present at the scene at the time of the shooting, are separated until statements are taken, unless in the presence of a third party who may be providing psychological counseling or support, such as a counselor or a member of the clergy;
  - d. The supervisor will notify the Platoon Commander or Divisional Commander and will secure the scene;
  - e. The Platoon Commander or Divisional Commander will immediately notify the Chief of Police or his/her designate and the Media Relations Officer; and
  - f. Officers present at the scene during a shooting incident will leave the scene as soon as possible under a supervisor's or senior officer's direction and not be assigned further duties regarding the incident (i.e., notification of next of kin, perimeter security, etc.).
- 20.2 The following matters will immediately be attended to:
  - a. prompt medical attention for all injured persons;
  - b. psychological care of all involved officers;
  - c. investigative process; and

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d. internal investigation.

### 20.3 Psychological Care:

After-care of officers involved in traumatic incidents shall be in accordance with Employee Assistance Program policy and will include the following:

- a. notification of the Officer Assistance Coordinator as soon as practicable;
- b. involvement of a psychologist (refer to policy on EAP);
- c. notification of next-of-kin and, when possible, direct and private communications between officers and their families;
- d. personal contact with all involved officers by Senior Commissioned Officers;
- e. consideration to involvement of a chaplain or clergy;
- f. consideration to reassigning the officers to non-operational duties; and
- g. requirement of officer to take a mandatory period of three days off when death results from their action in the line of duty.

#### 20.4 Investigation:

- a. When a police shooting occurs the Chief of Police will appoint a senior Commissioned Officer to coordinate the investigative process pending the arrival of the outside police agency requested by the Chief of Police.
- b. The Chief of Police will request the services of an outside police agency in accordance with the provisions of a Memorandum of Understanding and/ or Letter of Agreement between the RNC and the requested agency.

#### 21.0 Carrying Firearms Out of Province

- 21.1 Officers shall not carry service firearms out of the Province without the following:
  - a. prior authorization of the Chief of Police or his/her designate;

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- b. completing the "Travel Authorization to Carry Firearm" Form #248; and
- c. lawful authority to carry a firearm in the jurisdiction being visited.

### 22.0 Carrying Firearms Aboard Commercially Registered Aircrafts

- 22.1 The carriage of firearms aboard aircraft by officers of the RNC is limited to those situations which require a firearm to ensure safe completion of the assignment. Under no circumstances will an officer carry a firearm on a commercially registered aircraft unless the "Travel Authorization to Carry Firearm" Form #248 is completed and permission is obtained from the Chief of Police, or his/her designate.
- 22.2 Officers contemplating airline travel with any airline where they will be performing escort duties and/or carrying their firearm are advised to familiarize themselves with the *Canadian Aviation Security Regulations* and the policies of the respective airline in ample time before travel in order to comply with regulations.
- 22.3 Officers required to carry a firearm on an aircraft shall:
  - notify a responsible air carrier employee, preferably a supervisor at the airport, at least 24 hours before flight time, or in an emergency as soon as practicable, prior to scheduled departure of the flight (the notification may be in person or by telephone);
  - b. present the police identification card to a responsible air carrier employee, preferably a supervisor, at the airport;
  - complete all documents used by the air carrier to notify the pilot in command of the presence on board the aircraft of an armed peace officer and any passenger under escort;
  - d. when in civilian attire, carry the firearm unloaded and securely concealed;
  - e. when in uniform, carry the firearm unloaded in a holster designed for the carriage of the firearm; and
  - f. not consume any alcoholic beverages when having access to a firearm.

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22.4. The air carrier reserves the sole right to refuse to accept passengers under escort. The air carrier will accept passengers under escort providing no unusual risk or inconvenience to other passengers will be involved.

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