



20th May 2016

44SC118XXXX/MF

Dear Sir Madam

**DEFENDANT(S): Leon**

**URN: 44SC11**

**COURT AND HEARING DATE: Southampton Magistrates Court 20th June, 2016**

We have asked PC 22366 Freeman about the missing footage and this is the explanation;

*I have attempted to find out how the data held on the computer has come to have been deleted, The Data captured on the vehicle hard drive, is downloaded via a LAN cable that links to a stand alone computer held at Whitchurch Police Station.*

*This is completed at the end of a duty and before the vehicle is handed over to the next driver, if this is not possible then the following driver at the completion of his duty will download the hard drive, the in car computer will automatically include any data that has not previously been downloaded.*

*Once this has been completed, the data is held on the stand alone computer hard drive, and is held there for 6 months, after this period, the data is deleted as the prosecution time limit has expired and this is as per force Policy.*

*Upon joining the unit, I was instructed that when a T60 or summons file is required then the data captured would be moved from the main hard drive, into the officer's personal folder, under the*

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*particular vehicle call sign, this would then be copied and a master disc created and a working copy produced for the court procedure.*

*In this particular case, I became aware of the requirement to locate the file in Late December 2015 or January 2016 that this incident was to be heard in court and that a Copy would be required.*

*This was about 4 and a half months post incident.*

*I went to the computer to locate the file, and all the data from this period was missing from the hard drive.*

*I enquired as to why this data was missing to be informed that the data had been deleted due to the computer developing a fault, and the hard drive being full.*

*Having now further checked with the Deputy Systems Manager | Hampshire and Thames Valley Police ICT Department, I have received the following reply.*

*There is manual weeding process carried out on this computer by supervisors and individual officers to:*

- ensure that footage is not retained longer than it should be*
- to move footage from the download area into folders specific to an officer for their prosecution purposes*
- to ensure there is adequate space available for downloads.*

*Having searched the machine it can be seen that there is footage contained on the disks with the same modified date as that of the offence, so it would suggest than any failure of hard disk from the machine has resulted in a recovery of all files that were on the original device.*

*The piece of footage you have requested does not appear to be on the machine therefore it can only be concluded that it has been deleted manually. There are no automated routines to weed this machine.*

*Backups on the machine are not carried out due to the nature of the configuration of the storage. The storage is configured in a RAID-1 pair, which will allow for one disk to fail and the data still to be maintained on the remaining disk. However dependant on which of the pair fail it can result in downtime for the machine (i.e. if the primary disk fails the monitoring software will make the drive letter, in this case d:\, unavailable until you replace the faulty disk), it will then replicate the data to the new disk and make the drive (d:\) available again.*

*Two incidents have been reported relating to faulty disks for this machine dated 16/02/16 and 20/02/16 (duplicate call). I cannot find the fault from any other date as I am unsure who would have reported it?*

*The computer was collected by the ICT department for Thames Valley Police and Hampshire Constabulary on 29/02/16 and returned to site on 04/03/16. It was then looked at by a technician and the relevant steps to bring the storage back online, and make the footage available, were carried out.*

*The MOPI guidelines we follow for BWV relating to Road Traffic Offences is:*

*Evidential - 'Summary Only' road traffic offences*

*To be used for Road traffic offences that can only be heard in Magistrates Court.*

*Retention 1 year.*

*Therefore any data should be removed from the machine in accordance with the above  
I can therefore only assume that the data held on the computer was "weeded" due to the limited  
space available on the computer hard drive and was not available to me when the first request was  
made to provide full evidence available, this was completed by me on the 3rd January 2016.*

As you can see this is not an abuse of process. May I refer you to the case of R (Ebrahim) v  
Feltham Magistrates' Court; Mouat v DPP [2001] 2 Cr. App. R. 23.

Yours faithfully

M. FITTALL