



OTTER TAIL COUNTY
SHERIFF
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Legislative Commission on Data Practices and Personal Data Privacy Commission Members
House Public Safety Finance and Policy members
House Judiciary Finance and Civil Law members
Senate Judiciary and Public Safety members

In accordance with MN Statute 13.825 Subd 9 Portable Recording Systems, I am submitting the report from our first Biennial Audit. The Otter Tail County Sheriff's Office implemented Axon Body Worn Cameras (BWC's) in 2024.

The audit was conducted by Lynn Lembcke Consulting on August 11, 2026, with the final report being completed on August 28, 2026.

In the report, you will find one area with a noted discrepancy in **Audit Requirement: Retention of Data**. Upon the implementation of the BWC program, a category of "False Signal" with a retention period of less than 90 days was created. This category was used for training recordings and accidental recordings (Deputy using restroom). This category has since been modified to ensure retention of a minimum of 90 days in compliance with the statute.

All other areas of the audit indicate compliance with the statute.

If you have any questions, please do not hesitate to contact me.

Respectfully,

Sheriff Barry Fitzgibbons

INDEPENDENT AUDIT REPORT

Sheriff Barry Fitzgibbons
Otter Tail County Sheriff's Office
417 South Court Street
Fergus Falls, MN 56537

Dear Sheriff Fitzgibbons:

An independent audit of the Otter Tail County Sheriff's Office Portable Recording System (body-worn cameras (BWCs)) was conducted on August 11, 2026. The objective of the audit was to verify Otter Tail County Sheriff's Office compliance with Minnesota Statutes §§13.825 and 626.8473.

Data elements the audit includes:

Minnesota Statute §13.825

- Data Classification
- Retention of Data
- Access by Data Subjects
- Inventory of Portable Recording System Technology
- Use of Agency-Issued Portable Recording Systems
- Authorization to Access Data
- Sharing Among Agencies

Minnesota Statute §626.8473

- Public Comment
- Body-worn Camera Policy

The Otter Tail County Sheriff's Office is located in Fergus Falls, Minnesota and is authorized for forty-three (43) peace officers. The Otter Tail County Sheriff's Office utilizes Axon body-worn cameras and Evidence.com cloud-based evidence management storage. The audit covers the period May 1, 2024, through July 31, 2026.

Audit Requirement: Data Classification

Determine if the data collected by BWCs are appropriately classified.

Otter Tail County Sheriff's Office BWC data is presumptively private. All BWC data collected during the audit period is classified as private or nonpublic data. Otter Tail County Sheriff's Office had no incidents of the discharge of a firearm by a peace officer, use of force that resulted in substantial bodily harm, requests from data subjects for the data to be made accessible to the public, or court orders directing the agency to release the BWC data to the public.

No discrepancies noted.

Audit Requirement: Retention of Data

Determine if the data collected by BWCs are appropriately retained and destroyed in accordance with statutes.

The Otter Tail County Sheriff's Office utilizes the General Records Retention Schedule for Minnesota Counties and agency specified retention periods in Evidence.com. At the conclusion of a BWC recording, officers assign metadata, including an Evidence.com category, to the recording. Each category has an associated retention period. Upon reaching its retention date, evidence is systematically deleted. Deletion of the data is captured in the audit trail. One category, "False Signal" had a retention period of less than ninety (90) days.

An Evidence Created Report consisting of all BWC data collected and deleted during the audit period was produced from Evidence.com. Records from the Evidence Created Report were reviewed, and the date and time the data was created was verified against the deletion date. Multiple records with the "False Signal" category were deleted in less than the minimum ninety (90) days required by statute. All other records were maintained or deleted in accordance with the record retention schedule and were retained for at least the minimum ninety (90) days required by statute. Randomly selected audit trail reports were verified against the Evidence Created Report, and each record was deleted or maintained in accordance with the record retention schedule.

The Otter Tail County Sheriff's Office had received a request from a data subject to retain BWC data beyond the applicable retention period.

Supervisors and Records monitor BWC data for proper categorization to ensure BWC data are appropriately retained and destroyed.

Discrepancy noted.

Audit Requirement: Access by Data Subjects

Determine if individuals who are the subject of collected data have access to the data, and if the data subject requests a copy of the data, other individuals who do not consent to its release are redacted.

BWC data is available to data subjects and access may be requested by submission of an Otter Tail County Sheriff's Office Body Worn Camera Data Request Form. During the audit period, the Otter Tail County Sheriff's Office received both requests to view and requests for copies of BWC video from data subjects. Data subjects who had not consented to release of the data were redacted. A copy of the redacted video is stored in Evidence.com along with the original copy. The request form is retained, and the request is documented in the records management system.

No discrepancies noted.

Audit Requirement: Inventory of Portable Recording System Technology

Determine the total number of recording devices owned and maintained by the agency; a daily record of the total number of recording devices actually deployed and used by officers, the policies and procedures for use of portable recording systems by required by section 626.8473; and the total amount of recorded audio and video collected by the portable recording system and maintained by the agency, the agency's retention schedule for the data, the agency's procedures for destruction of the data, and that the data are available to the public.

Otter Tail County Sheriff's Office BWC inventory consists of fifty (50) devices. An inventory report produced from Evidence.com detailed the total number of recording devices owned and maintained by the agency. The inventory included the device model, serial number, device name, officer assigned to the device, date of last upload, device status, error status, firmware version, warranty date, date last docked, and camera state.

The Otter Tail County Sheriff's Office BWC policy governs the use of portable recording systems by peace officers while in the performance of their duties. The policy requires officers to confirm their BWC is in good working order by conducting a function test at the beginning of each shift. Officers are required to report malfunctions or damage to the BWC coordinator or on-duty supervisor and, if possible, obtain a functioning device. Officers are required to wear their BWC on their outermost garment positioned at or above the mid-line of the waist.

Peace officers were trained on the use of the BWCs during implementation by Axon. Newly hired officers are trained as part of their field training program.

Officers working on randomly selected dates, and randomly selected calls for service, were verified against Evidence.com and the Evidence Created Report and confirmed that BWCs are being deployed, and officers are wearing and activating their BWCs. The total number of BWC videos created per quarter and a comparison to total calls for service shows that BWC data is being consistently collected.

Evidence.com queries detail the total amount of BWC data created, stored/maintained, and deleted.

The Otter Tail County Sheriff's Office utilizes the General Records Retention Schedule for Minnesota Counties and agency specified retention periods in Evidence.com. BWC video is fully deleted from Evidence.com upon reaching its scheduled deletion date. Metadata and audit trails are maintained in Evidence.com after deletion of BWC audio and video. BWC data is available upon request, and access may be requested by submission of an Otter Tail County Sheriff's Office Body Worn Camera Data Request Form.

No discrepancies noted.

Audit Requirement: Use of Agency-Issued Portable Recording Systems

Determine if peace officers are only allowed to use portable recording systems issued and

maintained by the officer's agency.

Otter Tail County Sheriff's Office BWC policy states that only office issued BWCs should be used.

No discrepancies noted.

Audit Requirement: Authorization to Access Data

Determine if the agency complies with sections 13.05, Subd. 5, and 13.055 in the operation of portable recording systems and in maintaining portable recording system data.

Supervisors conduct random reviews of BWC data utilizing Axon Performance to ensure BWC data is being properly categorized and that BWCs are being used in compliance with policy.

Nonpublic BWC data is only available to persons whose work assignment reasonably requires access to the data. User access to BWC data is managed by the assignment of roles and permissions in Evidence.com. Permissions are based on staff work assignments. Roles and Permissions are administered by the Chief Deputy and the Technology Analyst. Access to Evidence.com is password protected and requires dual authentication.

The agency's BWC policy governs access to BWC data. BWC data may be accessed and viewed for legitimate office related purposes in accordance with policy. User access to data is captured in the audit trail. The BWC policy states that any member who accesses or releases BWC media without authorization may be subject to discipline, and members may be subject to criminal penalties for the misuse of BWC media pursuant to Minn. Stat. §13.09.

When BWC data is deleted from Evidence.com, its contents cannot be determined. Otter Tail County Sheriff's Office reported no security breaches impacting Axon/Evidence.com or the BWC system. A BCA CJIS Security audit was conducted in May of 2025.

No discrepancies noted.

Audit Requirement: Sharing Among Agencies

Determine if nonpublic BWC data is shared with other law enforcement agencies, government entities, or federal agencies.

The Otter Tail County Sheriff's Office BWC and Records Maintenance and Release policies govern the sharing of BWC data with other law enforcement agencies and government entities. Other law enforcement agencies and government entities may obtain access to not public BWC data for legitimate, specified law enforcement purposes. Law enforcement agencies seeking access to BWC data are required to submit a written request. Sharing of data is captured in the

audit trail. The Evidence.com Sharing Audit Report and the records management system provide documentation of shared data.

No discrepancies noted.

Audit Requirement: Biennial Audit

Determine if the agency maintains records showing the date and time the portable recording system data were collected, the applicable classification of the data, how the data are used, and whether data are destroyed as required.

Evidence.com and the Evidence Created Report document the date and time portable recording system data were collected and deleted. All BWC data collected during the audit period is classified as private or nonpublic data. The Evidence.com audit trail, the Sharing Audit Report, and the records management system document how the data are used. The audit trail is maintained in Evidence.com after deletion of video. The Evidence.com audit trail documents each and every action taken from the creation of the recording to its deletion, as well as access to the audit trail after BWC video has been deleted.

No discrepancies noted.

Audit Requirement: Portable Recording System Vendor

Determine if portable recording system data stored in the cloud, is stored in accordance with security requirements of the United States Federal Bureau of Investigation Criminal Justice Information Services Division Security Policy 5.4 or its successor version.

An Axon CJIS Compliance White paper outlines the specific security policies and practices for Evidence.com and how they are compliant with the CJIS Security Policy. Axon has signed the CJIS Security Addendum in all states and has performed statewide CJIS-related vendor requirements in Minnesota. Axon has incorporated the CJIS Security Addendum by reference into the Axon Master Services and Purchase Agreement. Axon maintains signed CJIS Security Addendum certification pages for Axon personnel. Authorized Axon personnel are required to complete Level 4 CJIS Security Training upon assignment and biennially thereafter.

Axon Enterprise, Inc., Evidence.com/Axon Cloud Ecosystem appears on the BCA Vendor Screening Program list of approved and screened vendors and is vetted in accordance with the security requirements of the United States Federal Bureau of Investigation Criminal Justice Information Services Division Security Policy.

No discrepancies noted.

Audit Requirement: Public Comment

Determine if the law enforcement agency provided an opportunity for public comment before it purchased or implemented a portable recording system and if the governing body with jurisdiction over the budget of the law enforcement agency provided an opportunity for public comment at a regularly scheduled meeting.

The Otter Tail County Sheriff's Office solicited for public comment by public survey on the county's website and in the county's official publication. The Otter Tail County Board of Commissioners held a public hearing at their December 12, 2023, meeting.

No discrepancies noted.

Audit Requirement: Body-worn Camera Policy

Determine if a written policy governing the use of portable recording systems has been established and is enforced.

The Otter Tail County Sheriff's Office established and enforces a BWC policy. The policy was compared to the requirements of Minn. Stat. § 626.8473. The policy included all minimum requirements of Minn. Stat. § 626.8473, Subd. 3(b). The policy is posted on the agency's website.

No discrepancies noted.

This report was prepared exclusively for Otter Tail County and Otter Tail County Sheriff's Office by Lynn Lembcke Consulting. The findings in this report are impartial and based on information and documentation provided and examined.

Dated: August 28, 2026

Lynn Lembcke Consulting



Lynn Lembcke