Denali Electronic Monitoring Services, LLC (DEMS)

1150 South Colony Way Suite 3-237

Palmer, AK  99645

907-745-3367

March 15, 2016

Dear Legislators and Judiciary Committees,

We are an Electronic Monitoring (EM) company. We are one of the original private EM companies in Alaska operating out of Palmer since 2009. We have successfully implemented a program that has allowed defendants to maintain compliance with the courts pretrial process. In addition to EM we have always offered drug and alcohol testing. Due to the process in which 24/7 was brought into Alaska and run we are almost to the point of shutting our doors due to the appointment of the 24/7 Program to Alaska Pretrial Services (APS) a private EM company. The free market has been stifled and a monopoly created. Going forward I am concerned that SB 91 and its companion bill HB 205 will further hinder the free market process.

We have been unable to have our concerns about the 24/7 program addressed. I have attached my log notes concerning the information we have gathered. We are concerned with the lack of an open bid process that was used to assign APS, Intoximeters (which APS did not have before this program started) and the ASAP Manager to the 24/7 pilot program. The 24/7 Program has not been accountable for the allocation of use of funds. Where are the accounting records? I know for a fact they have been out of funds since October 2015, per Tony Piper. It is alarming that APS is still getting all the assignments from the Judges, while out of funding, so to me they are charging the clients the same as we do. Our prices have consistently been lower than theirs through the years of our service even without subsidization. We have been comparable to DOC EM in pricing and procedure. We have mirrored the DOC EM program maintaining contact with Officer Mercer. The resuming of an improper bid or grant process for equipment vendors and EM companies, without accountability will surely line someone’s pockets at the cost to the State of Alaska and defendants. We need a better vendor procedure assuming more than one EM company can be a vendor. Tony Piper admitted the funds were not used appropriately and the vendor selection was exclusive to fill the third party requirements set by the courts. As for the funds use such as new cars and expensive light bars purchased by APS when the funds were first given to APS, I believe it is not what the State of Alaska had in mind for those funds. Piper said the process of equipment selection and bid process could have been better, so let’s make it better!

With implementation of SB91 we see the complete takeover of private EM by APS under the umbrella of DOC/ASAP.  Although we see and understand the need for standardizing EM procedure and would be more than happy to comply with any licensing or educational requirements relating to this process. We do not understand how legislation can categorically promote one private company over another. We must acknowledge that we have lost our ability to continue to do business in the state of Alaska as a result of unfair legislative practices.

We have been informed that this is a legislative issue and the Judges have no control over 24/7 assignments at arraignments. Defendants no longer have the option of which company to choose and they are not able to have a bail hearing to determine what is the best release plan. We know that this program has been state funded and APS has acknowledged that the funding has been overused and no subsidization for defendants has occurred since October of 2015 (per Tony Piper at ASAP). This means that this program continues to receive preference within the courts without subsidization. We have also determined that judges have been asked to make these assignments to 24/7 program as a result of state legislation based on this funding, yet the funding is gone and appointments to APS continue. This determination, as explained by Mr. Piper, is based on the assumption that no other private agencies provide alcohol or drug testing, which is completely unfounded.

We have a program that is equivalent and perhaps in many cases better. We provide alcohol and drug testing on site as well as through BI’s Soberlink, testing up to 16 times per day that can travel with the client without additional cost. The Soberlink gives a time stamp, picture with facial recognition, GPS point, and alcohol level. BI also provides equipment to the Alaska DOC EM program. Tony Piper plans to limit this to a specific piece of equipment called Intoximeters. This device would not only stop providers from coming into the state of Alaska, but also limit program options. I implore the Legislature, if there is to be this type of limitation with EM to have a bid process just like DOC had for their equipment.

The 24/7 program has a very limited window of effectiveness with clearly defined testing schedules which allows many opportunities for alcohol consumption between tests. Having a set testing schedule disallows the random testing for drugs and alcohol. It results in many low level positive tests and repeat recidivism. Also we have tried to call APS during the hours outside of the testing windows without response. This limits other agencies and defendants from speaking to a 24/7 representative. This program is being used in place of third party, but no actual 24-hour monitoring is occurring. The requirement of travel to a specific office can be less cost effective for many without a driver’s license. Defendants are noncompliant due to the travel costs and limited testing times, which is not due to willful violations. It happens because they cannot meet the requirements of the 24/7 program.

We understand that it doesn't matter that DEMS has a better 24/7 program as we have lost the ability to provide it as a competitive service to defendants because we are no longer given the opportunity to offer it in an equal setting. Please help us to have equal representation at arraignment and eliminate this continued bias with assignments or make the process mirror that of DOC’s equipment selection process along with giving every EM company the ability to offer these services. We have a long standing record of successful monitoring in the community and have always reported to the courts and law enforcement.  We would appreciate your consideration in the changes to the process for EM moving forward.

Sincerely,

Heather Betts

Owner/CEO