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SENATOR NICHOL: I would think that the judges would turn some of them out, those with non-violent crimes.

SENATOR CHAMBERS: So we are bringing in one type in the front door and letting others out the back door, so to speak.

SENATOR NICHOL: That could well be the fact.

SENATOR CHAMBERS: Can you think of any other realistic alternative? If the judge didn't do it at that level and somebody took it to a federal court, would that be the likely result in a federal court case if it could be established that there was in fact over crowding?

SENATOR NICHOL: They have done it other places, Senator Chambers, and I would think they would do it here if that were the case.

SENATOR CHAMBERS: Thank you, Senator Nichol. I may want to ask you a question but I want to make a couple of comments first so you will know what I am getting to if I have to ask it. I have been told that in Sarpy County the pre-trial diversion program is used to favor certain people. Certain people who are not to have a record of being guilty of drunk driving or even having been arrested and charged. I have been told that it provides a source of political campaign contributions for the county attorney. I don't know if any of you got these letters too but all of this ought to be in the record since people are writing it to various senators and the county attorney out there ought to know what is being said, that the people who have money can benefit from the pretrial diversion program because they can pay to go through whatever the treatment is. If you have no money obviously you can't go because you can't pay your way. So it favors those who have the money. If you adopt the notion that those with means, affluence, education are the ones who ought to set the standards perhaps they are the ones that ought to be certainly punished if they go astray and the ones who are poor struggling hand to mouth and might have a reason to seek solace or refuge in alcohol should be forgiven and placed in a pretrial diversion program. In other words, where much is known much perhaps ought to be required. So the question that is going through my mind as we discuss all of these alternatives is how can you control the unlimited, unreviewable discretion of a county attorney to either bring a charge or not bring a charge. If his discretion is unreviewable there is nothing you can do. The officer can come in with the person, the

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