

A judge's dramatic philosophical shift

Alison Dirr, USA TODAY NETWORK-Wisconsin 7:40 a.m. CDT July 11, 2016

"For me, it was an epiphany."



(Photo: Ron Page/USA TODAY NETWORK-Wisconsin)

APPLETON - Outagamie County Judge John Des Jardins is the first to say he could have been doing things better — for decades.

On a May evening, he held up two license plates for an audience to see. The first read, "JAIL UM." Its successor read "JUSTISS." The second, he said, should read, "SMART JUSTISS," but the letters wouldn't fit on the plate.

They're visual representations of a philosophical shift that has taken place in Des Jardins' courtroom and mindset, after decades working in the criminal justice system.

For years, he thought even a short jail stint could give low-level offenders a dose of punishment that would deter them from committing another crime.

The former prosecutor and longtime judge realized relatively recently that his jail 'em approach could in fact be exacerbating the problem he aimed to solve. In a short time, he has gone from skeptic to vocal advocate for treatment courts and a method of justice that aims to be more discerning with who goes to jail or prison and what treatment services each offender receives.

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Des Jardins describes himself today as having been a tougher judge but one who always tried to listen to both sides. He was highly skeptical of the county's then sole treatment court, believing it to be some method to avoid doling out consequences for bad behavior. He teased the judges that ran the treatment court about "hug-a-thug" programs, Des Jardins told USA TODAY NETWORK-Wisconsin.

"I think it was just kind of good-natured ribbing about us being a touchy-feely court or a hug-a-thug court," Outagamie County Judge Mitch Metropulos remembered of Des Jardins, who worked with him in the District Attorney's Office and now again as colleagues on the bench.

When he was in the DA's office, Des Jardins had a reputation in the legal community as a tough prosecutor who sought stiff sentences, Metropulos said. Still, Des Jardins made the transition from prosecutor to judge, advocate to referee, well, he said.

When Des Jardins decided to sit in on the county's drug and alcohol treatment court, he was sure his worst fears would be realized. But, he said, if you're going to be a skeptic, you should make an effort to understand the source of that skepticism.

Instead, he saw a mother speak about how her daughter's life had completely changed; the drug court held her accountable while getting her the treatment she needed and working with her over time to beat back her addiction, Des Jardins said. It was different from what he had seen before in court.

"It just sort of like blew me away," he said. "For me, it was an epiphany."

Bernie Vetrone, now director of the county's Criminal Justice Treatment Services, was in that courtroom. As Des Jardins' got more interested, he sat forward, Vetrone said.

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That was about five years ago.

"It takes a big person to admit — and he'll say this — 'I was doing things wrong,'" Vetrone said.

When he left that courtroom, Des Jardins got started on his own treatment court, an idea he had been mulling for a while. Now he runs the county's veterans court, one of three treatment courts, and chairs the [county's Evidence-Based Decision Making team \(http://www.outagamie.org/index.aspx?page=1486\)](http://www.outagamie.org/index.aspx?page=1486).

Des Jardins and Vetrone have been presenting to community groups on these initiatives to inform the public and gain support for the methods that contradict Des Jardins' longtime approach to justice.

Evidence-based decision making is based on the principle of keeping low-risk offenders out of the system and focusing resources on the high- and moderate-risk offenders. It starts at arrest and involves key decision points throughout the local and state criminal justice systems.

It's touted as a way to significantly reduce recidivism and make communities safer.

Evidence-based decision making uses research to inform and guide decisions in the justice system, [according to the National Institute of Corrections \(http://info.nicic.gov/ebdm/?q=node/8\)](http://info.nicic.gov/ebdm/?q=node/8). Outagamie County is one of eight counties in the state so far with support from the National Institute of Corrections to implement evidence-based decision-making practices.

Judges maintain their discretion when it comes to sentencing, but Des Jardins described evidence-based decision making as one more tool in a judge's toolbox.

"Having a champion like Judge Des Jardins, who is well respected in the community and in legal circles, gives our criminal justice reform initiatives a tremendous boost," Outagamie County Executive Tom Nelson said. "And quite frankly, I don't think we would be at the point we are today without ... the solid advocacy and support we receive from Judge Des Jardins. We owe him a lot."

Des Jardins is a true believer who, after a 180-degree shift, has gone above and beyond what's necessary to make this a success, Nelson said. He pointed to Des Jardins' efforts to inform the community, his work on the evidence-based decision-making team and his leadership of the veterans court.

The messenger is important, too, said Craig Moser, deputy executive administrator.

"For the broader community to hear this from Judge Des Jardins, who would not in any way, shape or form be seen as some sort of, you know, lefty touchy-feely judge, I think is important because it gives some who would be naturally skeptical to something like this some comfort when they hear it coming from Judge Des Jardins, some credibility," Moser said.



Outagamie County Judge John Des Jardins says he's had a significant shift in philosophy when it comes to handing down sentences for non-violent crimes. (Photo: Ron Page/USA TODAY NETWORK-Wisconsin)

Alison Dirr: 920-996-7266 or adirr@gannett.com; on Twitter [@AlisonDirr](https://twitter.com/AlisonDirr) (<http://www.twitter.com/alisondirr>)

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