

Federal Judicial Center
Off Paper Episode 24
An Extraordinary and Compelling Compassionate Release Story
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Mark Sherman: From the FJC in Washington, D.C. I'm Mark Sherman, and this is *Off Paper*.

Sometimes people do bad things and sometimes they get caught. The criminal justice system is designed to address the wrong. And if the accused is found guilty, at least arguably, correct the behavior often by sentencing the defendant to prison. Sometimes it works. Sometimes the person takes advantage of their time in prison to go to school and work on themselves. And sometimes, that person decides to give back while in prison, by helping others do the same, even if that person is serving a mandatory life sentence with no hope of or process for getting out.

Dani Hourani was such a person. In 1996, at age 22, Dani was sentenced to a mandatory life prison term for his involvement in a conspiracy to distribute drugs and to murder a federal witness, acts he committed when he was 18. Dani was the youngest person involved in the case and had no prior trouble with the law, and he was the only one who received a life sentence.

Terrence G. Berg: It was a complex Lebanese heroin trafficking case. It was probably one of the most serious

cases, frankly, that I handled because it involved the attempted murder, actually, of a federal witness. They had hired a shooter, and this individual shot into a car, missed the informant, but killed a passenger.

Mark Sherman: That was Judge Terrence Berg, who now sits on the U.S. District Court for the Eastern District of Michigan, but at the time was the lead federal prosecutor in Dani Hourani's case. Judge Berg described some of the complexities of the case, such as the cooperation of co-defendants.

Terrence G. Berg: Many of them cooperated and got reduced sentences and basically, they told the story of what had happened. Dani Hirani did not testify and so they went to trial.

Mark Sherman: This is what Judge Bernard Friedman, Dani's sentencing judge, had to say about sentencing Dani.

Bernard A. Friedman: I told him that if I had a choice, it would not be life in prison. This is one that, you know, I took to the sentencing council, but they all said there was nothing that I could do. It was really traumatic for me, too, because I had never given a life sentence before to somebody that young. That is something that I remembered.

Mark Sherman: So what were his options? The First Step Act, you might say - compassionate release, yes, of course. But before December 21, 2018, before the First Step Act became law,

in the more than two and a half decades that Dani was incarcerated prior to the act, the Federal Bureau of Prisons was the sole entity empowered to pursue compassionate release on behalf of the incarcerated. And as you might guess, it didn't happen often.

Compassionate release changed under the First Step Act in a very important way. It allows courts to consider motions filed by BOP residents themselves after they've exhausted administrative appeals, or after a failure of the BOP to bring a motion on the resident's behalf, or 30 days from the warden's receipt of a request, whichever is earlier.

Here's what that means in numbers. According to a report released by the U.S. Sentencing Commission in 2020, comparing the first year of First Step Act implementation to the last fiscal year prior to enactment, 145 motions seeking compassionate release were granted in year one, a more than five-fold increase from fiscal year 2018, when only 24 were granted. Since that time, the number of motions granted has grown. According to a 2022 report from the commission from October 2021 through September 2022, 631 motions were granted.

So, newly empowered by the First Step Act to file a compassionate release motion on his own behalf, Dani did so in June 2020. His motion was granted and he was released in September of that same year by his original sentencing judge,

the Honorable Bernard Friedman. Now, over two and a half years later, Dani is Director of Community Development with Team Wellness Center in Detroit, an organization that, among providing many other services to low-income people, helps people released from prison return to their communities.

One of the statutory bases for filing a compassionate release motion is extraordinary and compelling reasons. Today on *Off Paper*, we hear about what made Dani's reasons extraordinary and compelling as described by himself, Judge Friedman, Judge Berg, Dani's defense attorney, Steve Fishman, Chief U.S. Probation Officer, Tony Merolla, and Dani's probation officer, Dave Smith.

One of the things I wanted to ask you, Dani, okay, so, you get the mandatory life sentence.

Dani Hourani: Yes.

Mark Sherman: You're still interested in programming, so what was the incentive for you to engage in the programming? I mean, the programming is not mandatory.

Dani Hourani: I just never lost hope, man. There are two things you can do when you have life when you enter prison. You can either come in and be a very bad person, have no hope, and do a lot of bad things. Or you can come in with some hope, you can come in with some, hey, I'm going to make the best of a bad situation. And that's what I decided to do. While I was in

Terre Haute, I was able to get into an Indiana State University program and got my degree from Indiana State University. I'm very proud of that.

Mark Sherman: So gradually, not only were you participating as an inmate in programming, then you started getting into developing your own programming.

Dani Hourani: Eventually, I was moved from Terre Haute to FCI Greenville. FCI Greenville, of course, I would go down to the law library, and I wanted to work on my case. The education supervisor down there is a great guy, his name is Joel Pickett, who at the time, was just an amazing guy. Probably the most devoted BOP employee I've ever seen in my life when it comes to wanting to see guys rehabilitated. He says, "Hey you got a college degree." I said, "I do." He said, "You'd probably make a great tutor or mentor. Why don't you come down here and tutor or mentor some classes for me?" I said, "No. I'm kind of focused on my case and stuff."

So every time I see him he'd say, "You know, anytime you want to come to teach a class." So that, you know, I'd kind of, I sat around and thought about it and I said, you know what, I'm going to teach a class. So I see him again, I said, "Hey, guess what? I'm going to teach a class for you." He said, "Really?" I said, "Yes." He said, "Great." I said, "But under one

condition." He said, "Sure. What is it?" I said, "I'm going to create my own class."

So I came up with a cognitive behavior class called Three Steps of Success. So I studied, you know, some of the CBT courses. And for me, I really liked the thought process. I liked it because I felt like if people apply that not just in prison, but to the outside, their lives would be so much better.

Mark Sherman: And you must have really enjoyed it.

Dani Hourani: I did. It was a challenge. I love challenges.

Mark Sherman: Remember the prosecutor, now judge, and the sentencing judge involved in Dani's case you heard from earlier? Well, Dani challenged himself to get them involved in the courses he was teaching in prison to help him reach some of the men who were enrolled but just weren't getting it. This is how he did it.

Dani Hourani: You know, part of the three-step process, the first step is acceptance.

Mark Sherman: Right.

Dani Hourani: Acceptance for your culpability in your own incarceration. So as part of acceptance, I would dispel all the different things. I would say why are you in prison? And I'd write them all on the board and I would just break them all

down. You have to come up in front of the class and say, I am in prison because... And it had to be about you.

And a young man, he was from Kansas City. He came up there and he said I'm in prison because where I'm from it's better to be caught with it than without it. So I tried to discuss it with him. We went back and forth. Some of the young guys in the class agreed with him. They were from Chicago and Fort Wayne, just different areas. And we had this long discussion about it.

After the discussion, I went back, I remember sitting in my cell, and I was thinking about it, thinking about the whole day, kind of replaying that day in my head. I said, you know? I just don't think I got through to this young man or the other young men in the class. And I hated to see guys sitting in jail for all this time just for a gun. I mean, 15 years, you know? You're, I think he was 20-something years old at the time. I was like, this is ridiculous. He hadn't harmed nobody. He literally just had a gun.

So I wanted to think outside of the box, something different. What is going to affect these young men in a way that they hadn't been affected before? So I decided, you know, I'm going to write my judge a letter and ask him to send me a letter from him on how easy it is to get this conviction, how

many families he's seen destroyed in his courtroom, and how prevalent it is.

Bernard A. Friedman: The first letter I got from him. I was rather surprised. It was an excellent letter. It was done very well. I don't know if that was the correspondence when he suggested that perhaps I would be part of the program that he was doing. When I read what he was doing, what the curriculum was, I was very enthusiastic about doing it. Dani and I had corresponded about it, what the format would be. We decided I would sit on the bench with my robes and answer questions or whatever comes up, that we'd kind of play it by ear.

So yeah, it was amazing. It was before Zoom. We've done them in court before but nothing like this. They were right in the prison, they were sitting in their chairs, and I was on the bench. I thought it was a wonderful idea. Let the prisoners know that we're human beings, too. Ask me questions. There's no secret. That's something that most people don't get an opportunity to do, and certainly not inmates.

Dani Hourani: I can recall one day, at mail call, you know, I get Hourani. You know, they called me and gave me the mail and it said United States District Court, the return address. And I was like, what's this? I opened it up, and it was a letter back from Judge Friedman. I still got that letter. I love that letter, matter of fact. He said, "Hey, I love this

program. I think this is a great idea. I love what you've been doing, but instead of a letter from me, I think it'd be great if I did a video conference with your students." And I was like, what?

It happened to be Mr. Pickett's late night. You know, each staff has one late night. You know, he had, of course, like always a long line of people in front of his office asking for help. I walked in real quick while he was talking to somebody. I've made a copy of the letter. I set it on his desk and I said, "Hey, when you get a chance, look this letter over, but I got to go in the back and get ready for class."

I'll never forget. He came in. He was holding the letter in his hand. He had literally a look of shock on his face. And he said, "Did you read this?" I said, "Yes." He said, "He wants to do a video conference." I said, "I know, I read it." He said, "This is a federal judge." I said, "I know. I read it." He was just stunned by it. I said, "Listen, I did my part. And now it's your part." Because of course you can't just do a video conference with a federal judge.

Mark Sherman: So this was the first of several other classes that you ended up teaching as well. You taught an RRC, a halfway house prep class, right? Communications class, and several other things. So you really were making a mark in terms of your impact on education within the BOP.

And I want to get to sort of this next part of your journey where you're spending most of your time in the BOP without really having access to compassionate release because of how the BOP handled that process before the First Step Act. But then the First Step Act was passed, enabling inmates like yourself to file petitions directly with the federal court. So you thought you might be a good candidate.

Dani Hourani: Everybody believes they're a good candidate for release. I don't like to minimize it. That's why I don't even discuss the case like that. But even the prosecutor wrote a letter. It said that, "He was the least culpable in this case and he's the only individual currently serving any sentence." So I served more time than all my older co-defendants combined.

Mark Sherman: Wow.

Terrence G. Berg: So the U.S. Attorney's Office at that point was considering a plea offer of considerably less than life, more like around between 16 and 20 years. That's part of what goes into, I think, evaluating Dani's sort of eligibility for some kind of clemency when he had served more than that.

Sometime in around the middle of 2014, he wrote me a letter that just sort of explained everything that he had been going through, went into all of the educational accomplishments that he had had, how he got an associate's degree, how he'd been teaching himself while he was in prison a number of courses that

were intended to help other prisoners come to grips with what they had done, and to use cognitive behavioral therapy and a number of other kinds of techniques to help prisoners. In a lot of ways, it was just very impressive. His lawyer really needs to get a shout-out here. So he had a very good criminal defense lawyer from Detroit named Steve Fishman. He never forgot Dani Hourani.

Steven Fishman: I kind of made a vow at the time. I think I told him that when he was still 18 or 19, that I was going to stick with him until I got him out of there.

Mark Sherman: This is Steve Fishman. He represented Dani at trial, in his requests for clemency and in his request for compassionate release.

Steven Fishman: Most lawyers, you know, they deal with the client, the case is over, and they don't have anything to do with him after that. I've never really operated that way. Dani, was as I put in my brief, and as Judge Friedman said in his ruling, he's the poster child for compassionate release. It wasn't until all this stuff came out, that compassionate release became available that I was able to go back and do something.

I don't think there could anybody ever in the history of the Bureau of Prisons could have accomplished what he accomplished while he was locked up. I mean, he didn't have one ticket. Keep in mind, Mark, what we're talking about, you can

get a ticket for being out of place because you have to go to the bathroom while they're calling up the line. He was in there, 27 years, whatever it was. He didn't have one ticket.

And then the rest of the stuff, I'm sure you already know, in terms of his accomplishments academically, in terms of the things that he was doing there, that he was teaching and mentoring other inmates, trying to keep them from getting in trouble.

What the law is now saying, at least in the Sixth Circuit, is that it's got to be something new. It can't be yeah, he was young because you knew he was young when you sentenced him. But obviously, he had so many things that were new.

You've got to keep in mind. He had Judge Friedman participating in these classes that he was teaching. I mean, how many people are you going to find, how many inmates doing a life sentence are going to have their sentencing judge and the prosecutor on their case in all the stuff he was doing?

And look what he's doing now. I mean, all of that time that he spent in there, and all the growing that he did intellectually and emotionally, I mean, that's just a totally extraordinary circumstance which would qualify under any definition of compassionate release. He was a completely different person when he came home.

The thing that distinguishes this case the most is look at what he's done since he came home, and the things that he's accomplished and the things that he's going to accomplish. That's exactly why you're talking to me, and you're talking to Judge Berg, and you're talking to Judge Friedman, and particularly you're talking to Tony Merrola.

Dani Hourani: And anybody who knows Steve Fishman knows that Steve --

Mark Sherman: He was the criminal defense lawyer.

Dani Hourani: He was my trial lawyer all the way. He stood with me all the way until today. I still call Steve today. I filed that motion, you know, through my attorney. We filed a motion for compassionate release. That was in 2020, I think in June.

Mark Sherman: And then came the hearing.

Dani Hourani: It was 2:33. Because of COVID I wasn't there. It was on Zoom.

Mark Sherman: Okay.

Dani Hourani: It was that so everybody was on Zoom. I was on the phone. I couldn't see anybody because the prison didn't have the video capabilities. And he said, okay. After the hearing, he said, okay, I'm ready to rule.

And I was like, oh my god, what did he just say? He said, "Well, before I give my reasons, let me just say right from the

beginning this motion is going to be granted." And you know, I just almost fell out of my chair. So at 2:30, I walked into a room with a life sentence. At 3:30, when I walked out, I had a release date, you know, immediate release. I was sitting in the room on the phone doing this, you know, waving my hand, you know? You guys can't see it, but I was waving my hand. I didn't know what to do.

Mark Sherman: They can't see it. But for the audience, Dani is waving his hands.

Dani Hourani: I was waving my hands. But I was being very respectful to the court because they had told me, be respectful, don't say anything.

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Mark Sherman: So what's interesting also about your case and you and I had talked about this previously, you had a mandatory life sentence. You now had a compassionate release, but interestingly, your mandatory life sentence also had a term of supervised release, which I found to be very interesting. I did not know that you could have supervised release accompanying a mandatory life sentence. But here we are, you had that. So you did spend some time on supervision after you were released. So I'm really interested about your reentry process.

Dani Hourani: I came home. I'll tell you what, my family kind of wrapped me in a cocoon. You know, that was in the early stages of COVID, right, where everybody was wearing a mask, which was really good for me because I was always smiling. So

people would have thought like, why is this guy always smiling? Because I had the mask on you couldn't see like if I walked into a mall with my family, my sister, I was smiling. Anything, just the strangest things would make me smile.

The supervision officer, he came to the house. He was a little surprised by the whole process. You got to remember, I was the first one with compassion release, that specific case.

And let me tell you something, Judge Friedman is not an easy judge. He wasn't an easy guy, but he was very fair and he looked at a case as an individual. And when he granted my case, he said at the time, "I still have my original sentencing notes from his original sentence. On there, it said, I can only impose mandatory life. I didn't like it then and I don't like it now because I can't look at the person. I can't look at the individual. I can't look at his life history. I can't look at him as a person rather it's just this. I didn't like it then. I don't like it now. Now I can correct that, what I felt at the time."

And so coming home on supervision, you know, I went to my state with one of my brothers, you know, the probation officer named Dave Smith came over - a great guy.

Mark Sherman: So this is U.S. Probation --

Dani Hourani: United States Probation, Dave is the intensive supervision officer.

Mark Sherman: Yeah.

Dani Hourani: So I was under intensive supervision, which I found strange all in itself because I hadn't done anything in prison to be on intensive anything. You know, I didn't do drugs. I didn't do anything. I didn't drink anything. He said, well, listen, you're with me because you just did 28 years in prison. But I had very limited conditions. I didn't have no type of different conditions.

Mark Sherman: No special conditions.

Dani Hourani: No special conditions, just basically on supervision. He has seen my family, the support, kind of looked around. He had read about what I was doing in prison. He said, "Look, if you do the same thing out here as you were doing in there, you're going to be fine."

Mark Sherman: This is Dave Smith, Dani's probation officer.

Dave Smith: So in my district, I'm the high-intensity supervision specialist. When you have a case such as his, which involved the murder of witnesses, it raises red flags for us. We were not involved in the decision of should he be released or not. It was more of, hey, this guy's getting out, here it is. So immediately we tried to do some sort of threat assessment to try to figure out, is he still dangerous? Does he still pose a threat?

The first thing we did was look at his disciplinary record when he was inside. And what we found was there were no disciplinary issues. There were boatloads of educational hours that he had on his record. He was teaching curriculum in the prison. He was writing the curriculum for the prison, and they were sharing his curriculum to other facilities. So even though there was a lot of concern upfront, the fact that he had used his time productively while he was inside really alleviated a lot of our concerns. And then when I met him upon his release, he further endorsed what our feelings were that this guy used his time productively and he is ready for release.

Mark Sherman: So here's a guy coming out on compassionate release. He had a mandatory life sentence. He is released. It was a mandatory life sentence because there was a murder involved in his case. How did he score on the paper?

Dave Smith: He was a low/moderate two with social networks. Education and employment identified as risk factors. So speaking with him upfront, it was really about, well, what do you want to do for employment? What do you want to do to support yourself? But in talking with him, "I'd like to do something in re-entry." And thinking, all right, well, we hear this a lot, that guys want to talk to youth. Guys want to, you know, help somebody else. At least that's what they say.

Dani Hourani: I came home. Of course, the first 30 days I just went out with my family. I'd hardly seen any friends or anything. I just, you know? The government had 30 days to appeal and I didn't want to, you know, even be seen around anybody, honestly. I came home and spent as much time as I could with my family.

My nieces and nephews had only known an uncle that had been incarcerated. They had only known me from coming to visit in prison. So this was the first time I actually got to sit and have a conversation without worrying if the guard's saying, hey, they're sitting too close, or hey, you can't pat them on the head. You can't do the stuff that you're not doing in prison. So I spent that time with them.

After that, I decided, you know, I couldn't just sit around. So my sister, she's a chief operating officer for a very large nonprofit at the time. So they were doing a lot of different stuff. They're a social services organization. So I started volunteering there, passing out, you know, turkeys on Thanksgiving, passing out COVID supplies, just whatever I could volunteer to stay busy.

Mark Sherman: In past conversations, you told me how basically you ended up being referred to this company through your sister.

Dani Hourani: Through a friend of mine.

Mark Sherman: Through a friend, and the president of this company of Team Wellness took a liking to you.

Dani Hourani: Yeah. So the CEO of Team Wellness, his name is Tony Pollicella, Tony got into jail diversion. So my friend knowing this other company's work, knowing that CEO personally told him, listen, I have a guy that would be perfect for you, for your jail diversion. He is literally the guy who knows about jail diversion.

So he reached out, invited me out to lunch. We talked. He told me about the company, his vision. He told me, look, I've hired a master level therapist. I've hired doctors to address this issue, but I want to attack jail diversion in a way that other people haven't thought about. And you are the perfect person for that. So come work for me. I'm going to make you a director and let's work on this in a way other people haven't. Let's think outside the box, which just seems to be your forte. So after a couple of meetings, I decided, yes, I'll take the job and have been going full throttle since then.

When I took the job and I see the type of company, we're an integrated care network. What does that mean? We have primary care, dental care, mental health, and substance abuse treatment. We have a crisis unit. We have just a plethora of services. It was to me, the perfect fit for guys coming home from prison because those are all the things you need coming home from

prison. Guys need to come home, get their blood sugar checked, get their blood pressure checked, get their eyes - because it's hard to get a good eye exam in prison. So that was an important part.

Mark Sherman: Was there anything that you had to do proactively, especially because he would be working basically with former felons?

Dave Smith: Because he was on federal supervised release, we were not allowing him to work with our federal population, but that's where his passion was. His passion was for the federal system because he knows that they're often forgotten. But finding an agency that you can actually work in reentry while you are fresh out of prison was absolutely amazing how he was able to land this job.

So the job I'm referring to is he is a Director of Community Reintegration. This is an executive level position that he was able to get within months of his release. And what he's done since being out is nothing short of amazing compared to everybody else that I've seen come out and speak these same goals. He's actually done it.

Tony Merolla: That's quite remarkable and unique. He wanted to drive to our capital and try to have a sit down with the secretary of state, the elected secretary of state, which he did. He absolutely got these audiences. So when he got out, he

had a hard time getting his state ID. He had a hard time getting a driver's license because he didn't have the necessary documentation when he was released, that concerned him, concerned him to the point where he said, I wonder if there's something I can do about this.

I wonder if we can reach out to our elected representatives and see if we can change this policy. See if we can change how they deal with returning citizens. And he was able to get the chief of staff at the secretary of state's office to hear him out. And now, he's on a texting relationship with the secretary of state in the state of Michigan. It's amazing. So that was one that he was still able to facilitate change in the federal system, but he wasn't necessarily doing it on an inmate-to-inmate relationship.

Mark Sherman: This is Tony Merolla, Dave's boss, and chief of the U.S. Probation Office that supervised Dani.

Tony Merolla: But we still had this little bit of a hang-up with somebody under our supervision, potentially having contact with our other returning citizens, as well as access to their files and things of that nature. But I actually did talk to a couple of my fellow chiefs. Hey, this is the situation. What do you guys think? And we kind of all agreed that it is a conflict that we have to address.

When we told Dani that, hey, the appearance of a conflict is here. We don't think this is going to work. Let us talk to Team Wellness. Let us see what we can do to find a solution and work around it. I have to say his attitude at that point was outstanding. He took it very well. He's like, I totally get it. I totally understand. Let's see what we can do.

And that's the type of rational person we're dealing with because it could have also went sideways for somebody who's upset that I've got a good-paying job. What are you guys trying to do to me? But that's not how he took the approach.

So in talking to Team Wellness's administrative team, it was very clear. Like, we want Dani to continue in that role. We want him to continue working and helping other people, but there has to be some type of separation here with our other clients. And they understood, and they completely agreed.

Mark Sherman: What were some of the decisions that you all had to make, once you saw that he was on a really good path and maybe continuing the supervision was not necessary? What happened then?

This is Dave Smith.

Dave Smith: I don't want to diminish the fact that he was down for almost 28 years. Society has changed in that 28 years. And it was new to him. Granted, he tried to stay educated while he was still inside, but there were definitely challenges for

him. We see this regularly where somebody comes out with a lot of energy. It works well until they face an obstacle, a barrier, and then they get frustrated and throw in the towel possibly. Even though we may have an exceptional case, we're still monitoring risk. We're still enforcing the conditions of the court.

What I like about his case is that I could have this collaborative conversation of what his goals of supervision were. He had these high goals, and it was my job to encourage him, to chase his goals, chase his dreams. If the job in reentry is what you want to do, by all means, let's see if we can make it happen.

That's one of the conversations I have with everybody on supervision. What are your goals? Not what my goals are, but what are your goals? Have you thought about what your goals are? Humanizing the individual on supervision I think goes a long way. They feel empowered when they start thinking about what they possibly can do. And then, like you said, we've got to get creative and come up with a game plan on how they're going to get to where their dreams place them.

Mark Sherman: We talked earlier about how you came on to supervision. You ended up being terminated off of supervision early. And a lot of our listeners are U.S. Probation and Pretrial Services officers. So when we're thinking about re-

entry and you had a good experience under supervision, you had a terrific officer. Not everybody has that experience. Many people do, some don't. But I'm wondering just more generally, are there things no matter sort of who you're being supervised by or in what district you're being supervised, can you offer any advice or guidance to officers who might be listening about ways in which they can work even more effectively with folks like yourself coming out on supervision?

Dani Hourani: Collect resources. There are plenty of community resources and partners. So the more you're able to help the guy, especially guys who served, you know, substantial sentences. So for our company we have an individualized treatment plan for every client. Every one of our members - we call them members - has their own individual plan. No two plans are alike. You might need a little extra of this type of treatment. You might need a little bit extra of that. One of the main things you should do is sit down with that individual when you first come home and dispel the notion.

I'm going to tell you something. Now, remember, I've never been in trouble before. I have no idea what supervision is. For years, I thought the United States probation officer was the dark knight. This is the enemy, the dark side, because every individual who came back for a violation, if you ask them why, man, my PO was out to get me.

And then some years later, after I started teaching their classes, I remember some probation officers coming from the Northern District of Illinois. They would come down and do a presentation to the guys that are released to that district. And of course, you know, guys who had the same thought that I had were kind of getting a little bit, oh man, you're just trying to lock us up. You know, asking questions, you could just see where it was leading.

She knew, the young lady knew. And she said, listen, man, I've been a probation officer for 13 years. How many people do you think I've sent back to prison in 13 years? So everybody was like 400, 500, you know? And in my mind, honest to god, I said at least a hundred. She looks at our guys, 13 years? Less than ten guys a year I'm sure. And she stunned me, she said six. I've sent six people back. And I was like, what, six? Man, these guys have been lying this whole time.

So I think for some of them, it's good to sit down and tell guys that because there are probably guys that still think like that, especially if they've had no experience with probation officers. Like, hey, we're not your enemy. I'm here to help you. I think it will go a long way in ensuring a productive partnership between the two, because this is really a partnership. When you get on supervision, that officer is now your partner for the next however years.

I remember Judge Friedman at one of his video conferences he did. And he told the guys. "Listen, I don't want you guys to think that we want to keep people on supervision that don't need to be because we have a lot of other people to worry about. If you want to get off early because you're doing something then I'd rather have you on supervision because then maybe I can pump the brakes a little bit for you before you end up doing a lot more damage to your life. If you're on supervision, the court has resources that can help you. We have resources to help you. So use us. We are the federal government. We are the federal judiciary. Use us. Use us so that we can help you. But if you're not on supervision, I can't help you. I can't give you all those resources. So go ahead and use us."

And it was a good answer. It was an interesting answer.

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Also did you know that the National Institute of Corrections, a public agency within the U.S. Department of Justice, offers a vast library of free eLearning programs for U.S. probation and pretrial services officers? All you need to do is set up an account. Visit the NIC Learn Center at <https://nic.learn.com>.

Mark Sherman: One of the things Dani has been doing is working with Chief Merolla and others to provide services such as job and health fairs for people transitioning from prisons back to the community. This is what Chief Merolla said when I asked him about all that's been happening.

And we're back in the office, things are happening. And one of the things that have been happening is that Dani, in his capacity now at Team Wellness, has been working with U.S. Probation quite a lot on developing approaches to reentry for people coming onto supervision.

One of those areas, and it may not be the only area, is employment, where he has been working with you all to organize job fairs that are held at the courthouse. And from my conversations with Dani and with Judge Friedman and Judge Berg, you all are seeing some success.

Tony Merolla: About every quarter we have a resource fair here in our courthouse. There's everyone there from the Michigan Secretary of State helping people get their IDs, to

employers that are friendly to returning citizens with felonies, to also having a kind of a mobile unit for healthcare screenings and things of that nature. Team Wellness and Dani are certainly a big part of that in helping us get the word out, helping us get the folks in that need those services, and helping us get the vendors also there.

That kind of culminates into our August resource fair that we have at a local church here in Detroit. We ended up inviting the neighborhood out. We have, you know, gaming trucks out there for the kids. Henry Ford Healthcare is there giving health screenings. We have a mobile dentist out there, and then a bunch of employers also that are looking for workers.

And I have to say again, this is all staff driven, that comes up with all the planning, that makes those community contacts, that ties it all together. And Dani certainly plays, and Team Wellness plays a big role in that, and we appreciate them for that.

Dani Hourani: So I reached out, back to Judge Friedman actually, and said, hey, I got this program, I'd love for you to come take a tour. I think it's good, and he forwarded it to the chief of probation. His mental health specialist reached out to me, and we talked, and I started taking them for tours.

Now we treat about 100 to 150 federal guys for mental health, substance abuse any time, complete wraparound services.

They are great partners of mine. The federal probation in Detroit and I, we work very closely together. We're doing the resource event together in the federal courthouse next week. We're doing a reentry event, I'm bringing all the vendors that I deal with personally in that field into the courthouse and we'll hire on the spot.

Mark Sherman: Now I want to switch gears. Dani, I know you have a lot of thoughts about what needs to happen in terms of policy to enable other folks like yourself to have second chances.

Dani Hourani: There's a break in the circuits on what is considered an extraordinary and compelling reason.

Mark Sherman: So I asked Judge Berg about that.

When you think about sort of this idea of extraordinary and compelling circumstances, what comes to mind in terms of how people should be thinking about what that means?

Terrence G. Berg: Well, it's interesting you should say that because today the Sentencing Commission is having hearings, you probably know this. But their proposed amendments to the sentencing guidelines that would provide additional guidance on compassionate release, and what does it mean and when can someone be eligible for compassionate release. Which does speak in terms of extraordinary and compelling circumstances, but

doesn't really explain or give judges much guidance in how to apply that. And it's a challenge to tell the truth.

It's a challenge because it grew up in COVID primarily and was the cause of thousands and thousands of petitions across the country. We had many of them in our court as well. But most of them were health-related. You know, someone had some kind of condition, and it was the kind of condition that if they caught COVID it could threaten their life. Those were the individuals that the courts were primarily focusing on. Say, okay, this is kind of an emergency. This person's life could be in danger. Are they eligible for compassionate release?

But the statute in talking about compelling circumstances is broader than that. That's why it might cover somebody like Dani Hourani. He wasn't released because of COVID.

I tried to listen to some of the testimony that was taking place before the commission earlier today. I think it was someone from the federal defender community had pointed out that although the statute indicates that you cannot use rehabilitation alone as a basis for compassionate release, that's not the same as saying you cannot use rehabilitation plus other things.

That is an interesting point because in most of the applications that we see, you don't see rehabilitation as being the ground for the compassionate release motion. What we're

talking about here is a case where you might call it extreme rehabilitation, where it seems like perhaps it should be a ground, even by itself, even if the statute doesn't allow it to be alone, the basis for such release.

Bernard A. Friedman: I think this area of extraordinary and compelling circumstances is, you know, this is new territory in a lot of ways.

Terrence G. Berg: I think for people who are interested, the Sentencing Commission's proposed amendments to the guidelines are pretty interesting. They're available on their website. And they're not going as far as perhaps what we're talking about here. As I said, and as that witness said, you know, they don't come out and say that rehabilitation alone is the basis, but they do have other grounds that they include that, well, depending if they're adopted or not, would give guidance for other reasons why someone might be able to qualify for that kind of relief.

Dani Hourani: One of the things I think disturbs me the most about compassionate release is there's a little subsection that says rehabilitation alone shall not be a reason for a release. How absurd is that? What is a correctional system? What is it supposed to do? Rehabilitate.

Why not? Why would rehabilitation alone not be a reason to let somebody out? Isn't that exactly what we're trying to do?

That should be a powerful reason to let a person out of prison. If an individual has spent 20 years in prison doing nothing but positive things, I think that individual should have the opportunity to come home and be once again, a productive member of society. I think that's important.

Mark Sherman: What kinds of changes do you really feel need to be made at the federal level for folks like yourself to ease re-entry?

Dani Hourani: You know, people tell me all the time, oh my god, you're like that aberration. And I say, no, I'm not. You think I'm the aberration because you don't know the people I know in prison. There are plenty of individuals in prison that are overly incarcerated. There are a lot of individuals especially, especially in the federal system from the inner city that shouldn't be there. They just shouldn't be there because they're overly incarcerated with sentences that are disproportionate to their crime. That's something that needs to be corrected.

When we talk about re-entry, you know, the first step back specifically stated in there, the BOP shall help these guys get their IDs. They're not doing that. The most important thing is, that you have to focus on, when it comes on the federal side, you have to hold the BOP to account. There are some very

good people that work in the BOP. There are people I still talk to that were guards at the BOP. I am now a resource for them.

Mark Sherman: Dani Hourani. Thank you so much for talking with us today.

Dani Hourani: Thank you. Thank you for having me. It's been a pleasure and I am honored to be here.

Mark Sherman: It's great to have you here. Thank you.

One more thing before we go. Remember that Sentencing Commission hearing Judge Berg was talking with me about where the commission was hearing testimony on its proposed sentencing guidelines amendments that include compassionate release? Well, since that time, the commission has promulgated its amendments, and barring any intervention from Congress, they will take effect on November 1st. For details, you can check out the commission's website at ussc.gov.

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We are assisted today by Maisha Pope and LaTonja Cox. Don't forget, you can subscribe to *Off Paper* wherever you get your podcasts. I'm Mark Sherman. Thanks for listening. See you next time.

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