



More revelations on Va. Parole Board wrongdoing prompt call for new investigation

BY: **GRAHAM MOOMAW** - FEBRUARY 25, 2021 12:03 AM



Dear Secretary Moran:

The Office of the State Inspector General (OSIG) conducted an administrative investigation based on multiple complaints made to the State Fraud, Waste and Abuse Hotline about the Virginia Parole Board (VPB), Case #18647. [REDACTED]

[REDACTED]

[REDACTED]

Allegation

[REDACTED]

Background

[REDACTED]

The Office of the State Inspector General almost entirely redacted reports related to an investigation into the Virginia Parole Board. (Virginia Mercury)

Two Virginia senators are asking for a “clear and transparent” General Assembly investigation into alleged wrongdoing by the Virginia Parole Board, which is under scrutiny for failing to follow state law and its own procedures by releasing violent offenders without properly notifying victims’ families or the prosecutors who represent the communities where the crimes were committed.

Sens. Bryce Reeves, R-Spotsylvania, and John Bell, D-Loudoun, released a letter Wednesday calling on Senate leaders to create a select committee, armed with subpoena powers and the

ability to take sworn testimony, to take another look at findings by the Office of the State Inspector General that Parole Board leaders violated state law.

“We believe that a clear and transparent investigation free of influence is critical to resolving this issue that surrounds the Virginia Parole Board,” the senators wrote in a letter that called the accusations against the board “serious” and “damaging.”

The Parole Board was investigated last year by Inspector General Michael Westfall’s office, which reports to Gov. Ralph Northam’s administration. But the watchdog agency itself has come under fire for heavily redacting reports that substantiated the board’s wrongdoing after [giving the Northam administration advance notice](#) the reports were going to be released to the media.



📷 Gov. Ralph Northam, shown with Attorney General Mark Herring and Secretary of Public Safety Brian Moran, far right, in 2019. (Ned Oliver/Virginia Mercury)

On Tuesday night, [Richmond TV station WTVR reported](#) that the inspector general may have also withheld information originally included in a longer report on the release of Vincent Martin, who had been serving a life sentence for fatally shooting a Richmond police officer during a traffic stop 40 years ago.

According to the TV station, the original watchdog report accused former Parole Board Chairwoman Adrienne Bennett, now a judge in Virginia Beach, and current Chairwoman Tonya Chapman, of attempting to falsify or destroy documents. The Associated Press also

obtained the same version, [reporting](#) that it appeared to be a draft and that it contained “more critical conclusions and allegations about errors made” in Martin’s parole, including evidence that meeting minutes had been deleted and that there was an attempt to falsify an interview report.

At a news conference Wednesday, Northam and Public Safety Secretary Brian Moran said they could not comment on those claims because they had not seen the report in question.

Despite the initial secrecy surrounding the Parole Board findings, a fuller picture of the inspector general’s probe came into focus Wednesday.

The Mercury obtained unredacted copies of six other watchdog reports, which had not previously been released in full, detailing numerous missteps by the Parole Board last year. Like the Martin case, nearly all dealt with the board’s seeming disregard for the notification process required before inmates are granted parole and released. Redacted copies of those reports had been [released to the media last year](#).

In one case, a man convicted of killing his estranged wife in the mid-1980s in front of their two young children was granted geriatric parole on March 31 after being denied discretionary parole just two months earlier. The inspector general’s office found that the inmate never filed a petition for geriatric release and the Parole Board didn’t conduct a new interview with him, relying instead on the interview conducted during his prior, unsuccessful bid for parole.

On Feb. 5, the victim’s mother received a notification that the Parole Board had declined to grant the inmate discretionary release. The next month, the board granted geriatric release but didn’t notify the mother until after the decision was made and the inmate’s release was imminent, a violation of a rule giving victims 60 days to provide input in geriatric release cases. The board never notified the victim’s daughter, the report says, even though she was registered in the state’s victim-notification system.

Emails obtained by the inspector general’s office show Bennett was determined to release the inmate despite his recent denial.

“He is old and has been in prison over 30 years. I had planned to grant him before I left the Board... I would like to get him in my queue and get him voted before I am gone. He will be considered for geriatric so he will not be interviewed and a decision will come quick if he makes it,” Bennett wrote in a March 22 email.

Many of the hasty releases that drew complaints coincided with the beginning of the COVID-19 pandemic, when officials were trying to limit the risk of unnecessary deaths in prisons, and Bennett’s looming departure to become a judge.

In other cases, the Parole Board only attempted to contact victims and prosecutors after it had already decided to grant parole.

One of the watchdog reports says a murderer sentenced to 200 years who escaped from jail shortly after his 1994 conviction was granted parole without proper victim notification. The

Grayson County Commonwealth's Attorney's Office told investigators it had contact information for the victim's daughter, but the Parole Board didn't ask for it.

In another case, a convicted murderer was released on April 1, but the Halifax County Commonwealth's Attorney's office didn't get the required notification letter until April 16. The letter was dated April 6. The Halifax prosecutor's office requested a hearing to potentially rescind the parole in light of the flawed process, but when the inspector general was preparing its report last September there had been no follow-up on the case.

The Northam administration hasn't disciplined anyone involved with the Parole Board decisions and has largely stood by the board throughout the controversy.

Democrats in the House of Delegates have also resisted efforts to require Parole Board votes to be made public by eliminating an open-meetings exemption that allows the board to deliberate in private.

The bill passed the Senate with broad bipartisan support, but House leaders have left it to languish without a hearing in the Courts of Justice Committee as the legislative session winds down.

In a floor speech Wednesday, Sen. David Suetterlein, R-Salem, the bill's sponsor, faulted House leaders for allowing some bills to die without being taken up.

"Can't say you're unhappy with someone that voted to defeat it," Suetterlein said. "Cause there was no vote at all."

Asked why the bill was being held up, a spokeswoman for House Majority Leader Charniele Herring, D-Alexandria, who leads the courts committee, noted that the Virginia State Crime Commission is preparing to do a "comprehensive" examination of parole for the 2022 General Assembly session.

The Parole Board debate also resurfaced during the House's virtual session, when Minority Leader Todd Gilbert, R-Shenandoah, said Bennett and Chapman should be removed from public office if the latest allegations against them are true.

"The people charged to be impartial adjudicators in that body have potentially committed crimes," Gilbert said. "This will do nothing to strengthen anyone's belief that the Parole Board is currently equipped to do its job properly."

In response, Del. Don Scott, D-Portsmouth, said Gilbert was jumping to conclusions based on incomplete information. He called Chapman, a former Portsmouth police chief, a "dedicated public servant" deserving of the respect Republicans often profess to have for police.

"The first thing they did was they took a news report," Scott said, "to sully the career of this African-American woman who has worked through this all-boys, White-male club to the top of law enforcement."



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GRAHAM MOOMAW



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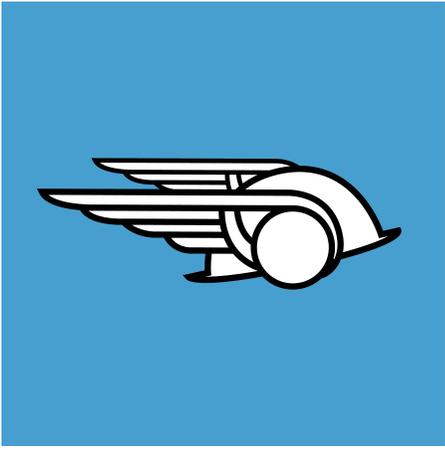
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CRIMINAL JUSTICE + POLICING

'The laws did not matter': Leaked reports show pattern of Parole Board violations

BY: **GRAHAM MOOMAW** - FEBRUARY 26, 2021 12:51 PM



 The offices of the Virginia Parole Board in Richmond. (Virginia Mercury)

The controversy surrounding the Virginia Parole Board has centered largely around the case of Vincent Martin, a man freed last year at 64 after serving more than 40 years in prison for murdering a Richmond police officer in 1979.

Martin's release drew **outsized attention** due to complaints from law enforcement and because it was among the first to be investigated by Virginia's Office of the Inspector General for potential violations of state law and Parole Board policies. When Republican legislators got a copy of the watchdog report saying the accusations against the Democratic-appointed Parole Board were true, they quickly released the document to the media.

But the IG's office investigated at least six other cases **without ever revealing details** of its findings to the public, the General Assembly, or the local prosecutors who complained that the Parole Board failed to carry out its duty to seek outside input on parole decisions. Last October, the inspector general released copies of the reports that were almost entirely redacted, summarizing its findings in a general report that didn't include specifics on what the Parole Board had done wrong.

Findings of Fact

[Redacted text block containing multiple lines of blacked-out content under the heading 'Findings of Fact']

Redactions to watchdog report on Va. Parole Board came after governor's office got notice of FOIA requests

In late July, employees in Virginia's Office of the Inspector General were preparing to release what they seemed to think was an important report on alleged misconduct by the Virginia Parole Board. On July 23, Inspector General Michael Westfall emailed a staffer saying the report was "ready for issuance." It concluded the board had violated ... Continue reading

This week, the Mercury obtained unredacted copies of those reports, all dated Sept. 18. Together, they show a pattern of violations that ran in favor of releasing inmates quickly and against consulting others who might have a dissenting opinion.

"It's a sad commentary when it's so obvious that what has occurred was a willful, intentional act," said Suffolk County Commonwealth's Attorney Phil Ferguson, who said he only learned

OSIG validated three of his complaints against the Parole Board when the Mercury informed him this week. “There was an agenda and a motivation to get these people out. The rules did not matter. The laws did not matter. It was just they were going to get it done no matter what.”

Irvian Cotton (Suffolk)

One of the Suffolk cases involved Irvian Cotton, who was sentenced to life in prison for killing his estranged wife in 1985 in front of two children. He served roughly 34 years and was released last year at the age of 67.

The IG’s office outlined numerous problems with Cotton’s parole process in a report that suggests former Parole Board Chairwoman Adrienne Bennett, now a judge in Virginia Beach, was determined to release him even though he had been denied discretionary parole in January 2020. The same three board members that had denied parole just months earlier voted to grant Cotton geriatric release in March, the report says, even though inmates are typically only considered for parole once in any 12-month period and Cotton hadn’t filed a petition for geriatric release. Parole Board procedures say inmates have to include “compelling reasons” for release on those petitions, but Bennett seemed to have made a decision without one.

“He is old and has been in prison over 30 years. I had planned to grant him before I left the Board,” Bennett wrote in a March 22 email. “I would like to get him in my queue and get him voted before I am gone. He will be considered for geriatric so he will not be interviewed and a decision will come quick if he makes it.”

Instead of conducting a new assessment interview with Cotton, the Parole Board relied on a 2019 interview from his prior bid for parole even though, after that interview, the board had decided to keep him incarcerated.

“Because the 2019 hearing examiner recommended to ‘not grant’ and VPB voted to ‘not grant’ IC discretionary parole in January 2020, there is no assessment for geriatric release suitability and no supporting reasons for a grant decision,” the IG’s office said in its report.

The quick reversal also occurred without proper notice to the Suffolk prosecutor or the victim’s mother, the IG’s office found. State law requires prosecutors be notified by certified mail at least 21 days prior to an inmate’s release and requires the board to “endeavor diligently” to find and contact victims to allow them to offer testimony prior to a parole decision.

Though the board voted to grant Cotton geriatric release in late March, the victim’s mother wasn’t given a notification until April 14. Cotton was released April 17.

The victim’s daughter was also registered to receive notifications about Cotton’s status, but never got one.

Robert Dwayne Godfrey (Grayson)

In early 1994, Robert Dwayne Godfrey was sentenced to 200 years for the murder and robbery of a 68-year-old man. He escaped from the Grayson County jail before a prison transfer that same year, and was convicted of a new drug charge two years later while incarcerated.

He was [paroled last year](#) at the age of 51 after serving 26 years, but the IG's office determined the Parole Board didn't try hard enough to contact victims before his release.

The report on his case says the board didn't try to locate victims until after it voted to grant parole, and no victim input was received.

The Grayson County's prosecutor's office told the IG's office it had contact information for the victim's daughter, and would have given it to the board if asked. The victim's daughter did not get a notification letter.

Dwayne Markee Reid (Suffolk)

As a teenager, Dwayne Markee Reid was [sentenced to life in prison](#) for murder and robbery. A hearing examiner recommended against parole last January, but the board voted to grant him parole shortly thereafter.

He was released after serving 26 years, but the IG's office found the board failed to give required notices to the prosecutor and the victims in a timely manner. The Suffolk prosecutor's office received a notification on April 13 saying Reid would be released within 30 days or "after the completion of a re-entry program." He was released three days later.

Parole Board records show it had one anonymous phone number on file for victim notification, but it was no longer in service. The Suffolk prosecutor's office said it had contact information for one of the victim's sisters, but the Parole Board didn't ask for it, "despite her living locally."

The IG's report says one of the victim's relatives first learned Reid was being paroled from a news reporter.

Tyson Xavier Golden (Roanoke)

Golden was sentenced to three life sentences for what the IG's office described as a "1986 crime spree that included homicide and multiple robberies and home invasions in Roanoke."

Golden was not parole-eligible due to the extent of his crimes, but the Parole Board opted to restore his eligibility in 2019, according to the IG's office. He was [released last April](#) after serving roughly 33 years.

The board voted to release Golden before attempting to notify victims, according to the IG's report. The Roanoke prosecutor's office told state investigators it never received any notification about Golden's parole.

Debra Kay Scribner (Halifax)

In 2012, Scribner was sentenced to more than 23 years in prison for her role in a Halifax County murder. She was [released last year](#) at age 66 after serving almost nine years.

She had been denied discretionary parole in May 2019, but was granted geriatric release in March 2020, despite a hearing examiner's recommendation that she serve more time.

She was released April 1, but the Halifax County Prosecutor's office didn't receive notice until April 16 (the letter was dated April 6).

When the board attempted to contact victims, the IG's office found, it sent a letter to "the wrong person at the wrong address."

"The victim's brother said he has lived at the same address for more than 20 years, including when DKS committed her crimes," the report says. "As a result, VPB did not receive any victim input during the voting process for DKS' release."

The Halifax prosecutor's office said it had correct victim contact information, but the Parole Board didn't ask for it.

Patrick Schooley Jr. (Suffolk)

Schooley received three life sentences in 1979 for the kidnapping and murder of a 78-year-old woman.

After his 17th parole interview in 2018, an examiner recommended granting him parole, but only with "intensive supervision, completion of a re-entry program prior to release and placement in a halfway house for readjustment to society."

He was [released last April](#) after serving a little over 41 years.

The IG's office found the Parole Board did not notify the Suffolk prosecutor and didn't try hard enough to find and contact victims.

The report notes that one of the victim's grandsons contacted the Parole Board last June, well after Schooley's release, and asked to speak to current board Chairwoman Tonya Chapman. The two spoke, but the report offers no details on the nature of that conversation.

'Hellbent on releasing people'

In all six cases, the IG's office concluded the Parole Board violated state law or its own policies. In five of the six cases, Parole Board hearing examiners, staffers who interview inmates and review their files to weigh suitability for parole, had recently recommended against release.

"They were just hellbent on releasing people from prison," said Ferguson, the Suffolk prosecutor. "It didn't matter how serious the crimes were."

To explain the heavy redactions to the reports released publicly, the IG's office claimed public-records laws didn't apply because the Parole Board had not "waived" its right to invoke a

Freedom of Information Act exemption. The unredacted copies show that some of the information in the blacked-out versions officially released by the IG's office – particularly the details on when notifications were or weren't received – came from prosecutors, not the Parole Board.

Ferguson said it was “ridiculous” that he was unable to get copies of the IG's unredacted reports on cases involving his office.

“If I had made a complaint I'd like to know what the results of the investigation were,” he said.

“There's a complete lack of transparency. A complete lack of an ability to understand what they did ... You cannot imagine the hurt and the heartache that it caused the victims' families in these cases when they found out these people had been released.”

Kate Hourin, a spokeswoman for the IG's office, said the redacted reports were “appropriately” released last year.

“OSIG has no further comment on the matter,” she said, refusing a request for an interview with Inspector General Michael Westfall.

Halifax Commonwealth's Attorney Tracy Martin said the newly revealed report confirms her belief the Parole Board mishandled Scribner's case. But, she said, in light of revelations that that the IG's office originally drafted a 13-page report on Vincent Martin's case before cutting it to six pages, “the trouble runs much deeper.”

“I have to wonder what else the OSIG found regarding the Parole Board's handling of Scribner,” she said in an email.

Questions swirl around draft report

Richmond TV station WTVR [first reported](#) the existence of a longer draft report on Vincent Martin's case that was never officially released by the IG's office. That report led some Republican legislators to renew their accusations the Executive Branch may have sought to cover up the Parole Board issues by scrubbing information and redacting the final reports.

The draft report on the Vincent Martin case, also obtained by the Mercury, goes into greater detail on the extent to which Bennett acted as an advocate for Martin. Instead of carrying out her duties impartially as the law requires, the report suggests, Bennett tried to marshal support for Martin's release and said she believed he was innocent.

The draft report quotes extensively from an email Bennett appeared to send to a Northam administration official on April 13. In that message, according to the draft report, she called the case against Martin “built on lies” and said the board “unfortunately had no choice” but to contact the victims.

“This is not a ‘Covid-19 grant’ or an ‘on my way out grant’ this has been in the makings for years and was decided in November (after [Soerings release](#)) by the Parole Board that would

not and could not say ‘no’ to Martin again,” Bennett wrote in an email that went on to call Martin a “leader among men.”

The day before Martin’s parole interview, Bennett instructed Parole Board staff to upload an older interview report and submit it as “their own,” the draft report claims, allegedly saying in an email: “There is nothing we don’t already know very well about his case.” The report says the staff members “refused to falsify a report and violate their own ethics.”

Neither Gov. Ralph Northam’s administration nor the IG’s office have offered an explanation for why information in the draft report was dropped from the final version. As of Friday morning, the governor’s office said it still did not have a copy of the draft report that surfaced in the media Tuesday night. The inspector general reports to the governor’s staff.

In an radio appearance on WRVA Friday morning, Secretary of Public Safety and Homeland Security Brian Moran said it was unfair for the draft report, which was addressed to him, to continue to go unexplained and allow “wild accusations” to proliferate.

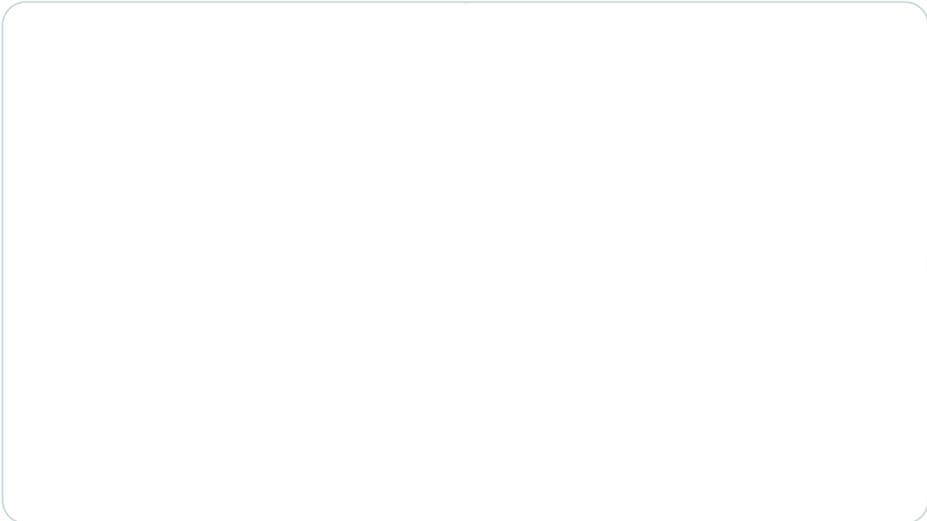
“OSIG needs to do something and they need to do something today about this,” Moran said. He insisted did not pressure the inspector general to scrub the report and said he wasn’t aware of anyone else in the Northam administration doing so.



Brian J. Moran
@VaPSHS



Congrats Adrienne Bennett on her new role of Chair to Parole Board. Thanks [@Virginia_SoC](#) for swearing in Gene Cunningham as newest member!



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The draft report includes extensive footnotes that reference other documents investigators obtained. Several are labeled “Email Dump” and include the last names of specific officials.

The improper releases probed by the IG occurred near the end of Bennett’s tenure as chair, before she was replaced by Chapman. Chapman did not respond to a request for comment Thursday on the six newly revealed reports.

‘No systemic problems’

Many of the contested releases occurred just as the COVID-19 pandemic was beginning and officials were trying to avoid prison deaths and speed up the release of inmates no longer deemed a threat. In an official response last year, Chapman said the combination of the pandemic and the leadership change created “unusual circumstances” that caused the board to miss some steps in the parole process. But she said steps had already been taken to address the issues.

“There are no systemic problems with the 21-day notification process,” she wrote.

The watchdog reports repeatedly note the Parole Board didn’t formally alter its policies in response to the virus.

Both [Bennett](#) and [Westfall](#) were originally appointed to their state jobs by former Gov. Terry McAuliffe and retained by Northam.

The draft report also contains an allegation Parole Board meeting minutes may have been altered during the probe. The draft report says the IG’s office requested meeting minutes from October 2019 through May 22, 2020. The minutes investigators received from Chapman for an April 28 meeting, the report says, didn’t match minutes previously sent to Parole Board members on May 12. The draft report claims “it was clear that information regarding Martin had been deleted.”

The version of the Martin report released last year made no mention of the April meeting minutes, saying only that there were no records of Parole Board minutes from October through March.

A message for Bennett left with the clerk’s office at the Virginia Beach Juvenile and Domestic Relations Court, where she currently serves, was not immediately returned Friday.

The draft report also says the Parole Board’s Victim Services Unit used a template for notification letters that “automatically calculated 60 days from the date of the letter, allowing ample time for the victims to provide their input and feedback.”

That template was “discontinued,” the report says, when Bennett was appointed chair.



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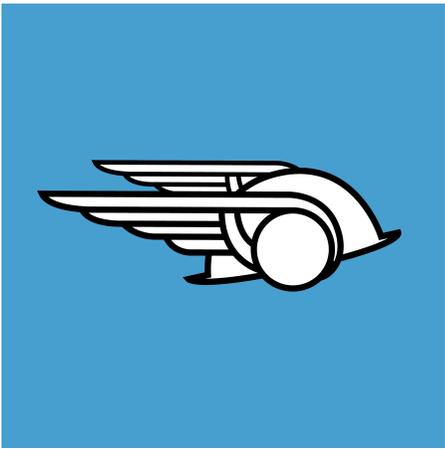
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THE BULLETIN

State investigator fired following Va. Parole Board disclosures, attorney says

BY: **GRAHAM MOOMAW** - MARCH 22, 2021 5:03 PM



 The offices of the Virginia Parole Board in Richmond. (Virginia Mercury)

The state employee who played a key role in investigating complaints against the Virginia Parole Board last year was fired from her job Monday, according to her attorney.

Jennifer Moschetti, a senior investigator with the Office of the Inspector General, had been seeking whistleblower protection after apparently sharing details of what she found with the General Assembly. But she had not yet been given a hearing in Richmond Circuit Court after [filing a motion to potentially save her job](#) on March 8.

Her attorney, Tim Anderson, said preventing termination was “the specific purpose” of her pending lawsuit, which she filed shortly after she was put on paid leave March 5. Because her firing makes the issue moot, he said, that particular suit will be dropped but the legal battle could continue in some other form.

“Ms. Moschetti will begin now the process of exploring the legal remedies she now has for wrongful employment termination and intentional injuries to her reputation,” Anderson said in an email.

Moschetti’s reports, which identified a pattern of violations by the Parole Board last year that mainly involved the board failing to properly notify prosecutors of its decisions and neglecting its duties to let crime victims’ families give meaningful input in the process, have been at the center of a political controversy that dates back to last summer.

An initial report on the case of parolee Vincent Martin, who served 40 years after being convicted of killing a Richmond police officer, was kept [almost entirely hidden](#) from the media before Republican General Assembly leaders [released an unredacted copy](#). A subsequent batch of reports were also heavily redacted, and the inspector general’s office refused to give full versions to General Assembly leaders.

That secrecy was upended this year when apparently leaked documents began surfacing in news reports, [offering new details](#) on the extent of the violations formally substantiated by the inspector general’s office last year.

Democratic Gov. Ralph Northam’s administration has pushed back against many of those findings, largely defending the Parole Board’s actions while questioning the accuracy of the watchdog reports.

“As of today, the only government employee receiving any consequences in the parole board investigation is now the investigator herself,” said Anderson, a lawyer involved in several lawsuits against Democratic officials who is running for the House of Delegates this year as a Republican.

Clark Mercer, Northam’s chief of staff, publicly accused Moschetti of bias and faulted her for hiring an unabashedly partisan lawyer.

Anderson had argued Moschetti should be protected under Virginia’s whistleblower law, meant to allow employees to report wrongdoing without

fear of retaliation. Northam officials had suggested unauthorized disclosures from the inspector general's office could potentially impact future investigations by the agency, preventing others from coming forward with information for fear it could be leaked.

The inspector general's office has previously declined to comment on disciplinary actions being taken against Moschetti, but her attorney filed documents in court showing she [received a bonus](#) and a positive performance evaluation for her work on the Parole Board cases.

The inspector general's office would not offer specifics on why Moschetti was fired.

“The Office of the State Inspector General (OSIG) models integrity, trust and ethical behavior and demonstrates the highest standards of honesty, respect and accountability,” agency spokeswoman Kate Hourin said in an email. “For privacy reasons, OSIG cannot comment on personnel matters.” Northam's office did not immediately return a request for comment.



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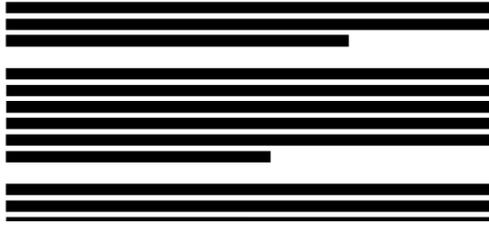


GRAHAM MOOMAW  

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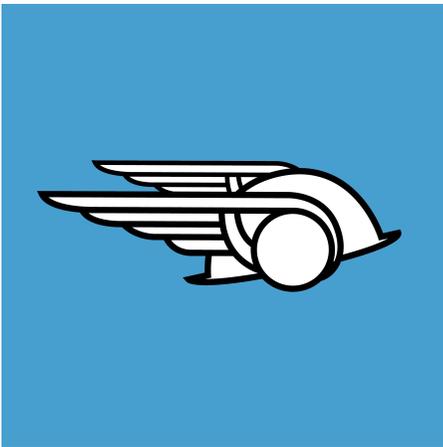
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BY GRAHAM MOOMAW

March 8, 2021

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GOVERNMENT + POLITICS

Suspended investigator sues state inspector general, claims whistleblower protections in Parole Board case

BY: **GRAHAM MOOMAW** - MARCH 8, 2021 4:53 PM



The offices of the Virginia Parole Board in Richmond. (Virginia Mercury)

A senior investigator in Virginia's watchdog agency has filed a lawsuit claiming she was wrongfully suspended from her job last week after giving General Assembly leaders documents dealing with her investigation into wrongdoing by the Virginia Parole Board.

Jennifer Moschetti, an employee of the Office of the State Inspector General, [filed the suit](#) Monday in Richmond, claiming she had been subjected to “retaliatory actions” for conduct protected under the state’s whistleblower law.

The lawsuit is the latest explosive development in a controversy over how the Parole Board handled several high-profile cases last year and whether other state officials sought to conceal the extent of OSIG’s findings detailing numerous violations of Parole Board policies and state law.



Northam supports ‘outside investigation’ into watchdog report on Parole Board

Gov. Ralph Northam’s office said it would welcome an “outside investigation” into questions surrounding the preparation and release of a watchdog report about the Virginia Parole Board’s mishandling of a controversial parole case last year. The Northam administration has insisted it was unaware of a longer, more accusatory version of a report dealing with the ... Continue reading

 Virginia Mercury

Moschetti’s suit says she was visited at home last Friday by other OSIG officials who seized her work laptop and told her she was being put on “pre-disciplinary leave with pay.”

Through a lawyer, Timothy Anderson of Virginia Beach, Moschetti demanded Inspector General Michael Westfall reverse course and said she was claiming whistleblower status.

The suit says Moschetti “did not release any of her work product or documents to the media at any time.”

Moschetti is asking the court to order Westfall to reinstate her as an employee and “cease and desist” any threats of retaliation.

Asked about potential disciplinary action last week, an OSIG spokeswoman said the agency does not comment on personnel matters.

Moschetti’s suit also claims she was contacted by “federal law enforcement” concerning an investigation “involving the circumstances of the Virginia Parole Board,” an inquiry with which she fully cooperated.

She also said a 10-page version of her report on policy and legal violations by Parole Board members surrounding the parole of Vincent Martin, who was convicted of killing a Richmond Police officer in 1979, was submitted by Westfall to the Office of the Attorney General “where it was redacted and reduced to a six-page report.” That report was released to leaders of the General Assembly last summer, who made it public.

Shortly after that happened, Moschetti says she was “summonsed to the Office of the Governor where she was interrogated by various members of the administration regarding her reports, investigations and findings.” Present at the meeting, she says, among others, were Clark Mercer, chief of staff for Gov. Ralph Northam; Brian Moran, secretary of public safety and homeland security, and Westfall.

Members of the administration “interrogated” the investigators for more than an hour over the findings in the six-page report, the suit claims. Then Moschetti told them a more comprehensive report on Martin’s case existed, though Westfall “refused to release his approved report to the administration.”

Moschetti says the meeting was “intended to intimidate the state inspector general and the investigators tasked with making fact findings related to members of the Parole Board.”

After the meeting, Westfall told her he “may lose his job for the work product” regarding the Martin investigation, which put Moschetti “in substantial fear of losing her job as the primary investigator on the Parole Board matter,” the lawsuit claims.

Moschetti also filed other reports to Westfall dealing with potential Parole Board misconduct, the suit says, but they haven’t been released to the Northam administration.

In response to the lawsuit Monday, a Northam spokeswoman said the governor’s office “meets regularly with OSIG to go over results and findings of inspector general reports.”

“I want to be clear – no one in the governor’s office has ever intimidated or attempted to intimidate anyone in the Office of the State Inspector General,” sad Northam spokeswoman Alena Yarmosky.

The suit identifies a 14-page draft report on the Martin case that was recently leaked to the media as “an earlier draft” of Moschetti’s work.

“The report contained substantial facts and findings of serious wrongdoing by members of the Parole Board previously omitted at the direction of the Office of the Attorney General,” the suit says.

Attorney General Mark Herring’s office has repeatedly sought to minimize its role in the controversy, declining to discuss any legal advice it gave in the matter and saying OSIG had ultimate authority over its own reports.

“OAG did not shorten the report,” said Herring spokeswoman Charlotte Gomer. “Any decisions about what would be addressed in the report, including whether criminal allegations were proper in an administrative report, were made by OSIG and we would be happy for the client agency to be fully transparent about its process, including clarifying any input it had received from this office.”

After the draft report surfaced, OSIG [released a statement](#) saying it was searching for the “the person(s) responsible for improperly disclosing such information.” The agency declined to comment on the lawsuit Monday.

Anderson, the attorney who filed the lawsuit on Moschetti’s behalf, is a Republican who has recently represented Sen. Amanda Chase, R-Chesterfield, in legal battles connected to her run for governor. Anderson is also running for a Virginia Beach-area House of Delegates seat this year.

Virginia’s whistleblower protection law states that no employer can “discharge, threaten or otherwise discriminate or retaliate against a whistle blower” who reveals information about suspected wrongdoing in “good faith and upon a reasonable belief that the information is accurate.”

The law does not protect disclosures of information that is “false, confidential by law, or malicious.”

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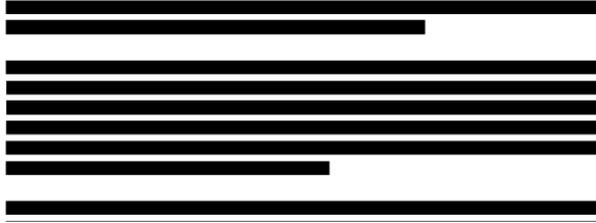


A veteran Virginia politics reporter, Graham grew up in Hillsville and Lynchburg, graduating from James Madison University and earning a master's degree in journalism from the University of Maryland. Before joining the Mercury in 2019, he spent six years at the Richmond Times-Dispatch, most of that time covering the governor's office, the General Assembly and state politics. He also covered city hall and

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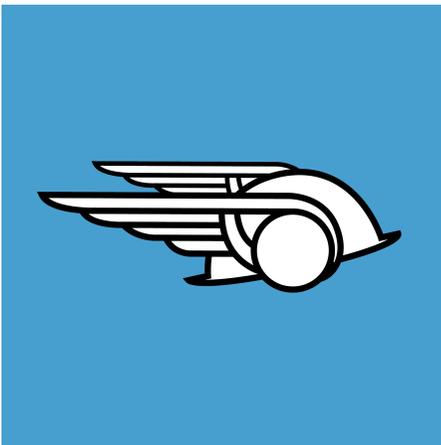
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CRIMINAL JUSTICE + POLICING

GOVERNMENT + POLITICS

'You're being used as a political tool': Recording details Northam officials' grilling of watchdog agency

BY: **GRAHAM MOOMAW** - APRIL 17, 2021 8:27 PM



📷 The offices of the Virginia Parole Board in Richmond. (Virginia Mercury)

When top aides to Gov. Ralph Northam sat down last summer to meet with the state inspector general, whose office had just issued a critical watchdog report on the Virginia Parole Board,

Northam Chief of Staff Clark Mercer opened by saying he wanted to hear what was being done to prevent future reports from “getting forwarded to the Associated Press again.”

Republican General Assembly leaders had just given media outlets an unredacted copy of a report accusing the Parole Board of mishandling the release of Vincent Martin, who was convicted of the 1979 killing of a Richmond police officer but won praise as a model inmate. Before that, the inspector general had only released an unreadable version with virtually every sentence blacked-out, citing an interpretation of confidentiality laws disputed by open-government advocates.

Mercer said he was hoping for a “collegial” discussion of what had happened and the aspects of the report that were in dispute.

An audio recording of that meeting obtained by The Virginia Mercury sheds new light on a yearlong controversy that has roiled Virginia government heading into this year’s House of Delegates and gubernatorial elections, revealing a brass tacks back-and-forth between investigators convinced they had identified a pattern of wrongdoing by the Parole Board and Northam officials questioning the merits of the findings and determined to prevent more sensitive information from getting out to their critics and the media.

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The governor’s representatives wasted little time getting to the point.

Public Safety Secretary Brian Moran, whose office oversees the Parole Board, questioned whether the inspector general even had the authority to investigate complaints the board had violated its own policies and state law requiring notification to local prosecutors and crime victims when an inmate is being paroled.

“How did you even get into this?” Moran asked.

Mercer said he had information suggesting the law enforcement community, outraged by the decision to grant Martin parole after he served 40 years of a life sentence, was flooding an anti-corruption hotline with complaints.

“Is that the proper use of the hotline?” Mercer said.

The governor’s staff said the fact that the report included background information about Martin’s crime without mentioning his clean prison record raised questions about whether the entire investigation was biased.

“This is an individual that had probably one of the most sparkling records in incarceration that we’ve ever had,” Mercer said. “And that led to the decision to parole this individual. All the background is about the negative things and the bad things that he’s done.”

Inspector General Michael Westfall, a Northam appointee, responded that his office has a duty to investigate the validity of complaints coming into a hotline that's anonymous by design. The executive order laying out those responsibilities and his office's broad oversight of state agencies, he noted, says explicitly that no one should try to identify the source of anonymous complaints or retaliate against them. Everything in the report substantiating the complaints against the Parole Board, he said, was "vetted" by a lawyer from Attorney General Mark Herring's office.

That didn't satisfy Moran.

"This was in the press," Moran said. "And then just to write this in the way it was written knowing how it would be received and the disservice it would be on the Parole Board and us? I don't know how you can defend that, Mike."

'The rules and regulations need to be followed'

The precise date of the meeting is unclear, but it appeared to occur on Aug. 14, shortly after Republicans released the full Martin report on Aug. 6.

For months, Republicans have accused the executive branch of exerting undue political pressure on the independent watchdog agency created to expose waste, fraud and abuse in state government. The meeting last summer has become a key piece of that narrative, with a state investigator who attended it, Jennifer Moschetti, claiming in an unsuccessful whistleblower lawsuit that Northam aides tried to intimidate the IG's office amid an ongoing inquiry into a politically charged subject. The governor's office has insisted no intimidation took place, and said the meeting confirmed its suspicions that the IG's report was written by a biased investigator who simply didn't like the decision to release Martin.

Moschetti was fired from her job earlier this year shortly after she revealed she had given documents to the General Assembly, and, in a lawsuit, claimed her decision to share those records was protected whistleblower activity. That lawsuit was dropped after she was fired, but her lawyer, Republican political candidate Tim Anderson, has said she intends to pursue a wrongful termination case.

At Northam's request, the Democratic-led General Assembly approved \$250,000 earlier this month for an outside investigation of the inspector general's probe into the Martin case.



Va. lawmakers approve Parole Board changes, money for investigation of Inspector General's probe

The Virginia General Assembly voted Wednesday to tighten some Virginia Parole Board procedures at issue in a series of critical watchdog reports last year, while approving funding for an outside investigation into how one of those reports was prepared and edited. Disagreement over the direction of that investigation led to fiery speeches from Republican legislators, ... Continue reading

 Virginia Mercator

In a statement, Northam spokeswoman Alena Yarmosky said the governor's office is confident the recording backs up what it "has said all along."

"This has become an absolute circus," Yarmosky said. "In recent months, confidential documents have been leaked for political purposes, individuals' private information has been made public, and now a secret recording from almost a year ago is being released to the press and not the public."

As the meeting began, Mercer reiterated the governor's position at the time.

"Before we kind of jump in to Vincent Martin, look, the governor's made it clear," Mercer said. "We have a new Parole Board chair, which has gotten lost in this mix, who's a former police chief. The rules and regulations need to be followed, kind of independent of what folks think about parole."

The ensuing conversation went beyond a discussion of whether policies had or hadn't been violated.

At multiple points in the hourlong meeting, the governor's staff argued the IG's office had been weaponized by those who disagreed with Martin's release and generally oppose parole.

"You're being used as a political tool is all my conclusion is," Moran said. "And you guys walked right into it."

"We may have walked into it," Westfall said. "But we're apolitical. We don't look at the politics of it."

After Westfall said his office hadn't been asked to look into Parole Board cases in the past and was suddenly dealing with a burst of complaints, Grant Neely, Northam's chief communications officer, seemed to suggest the fraud hotline itself was a problem because it was being used by people with more conservative views on parole.

"At a time when attitudes about parole have changed dramatically from when the laws were passed in 1994 to today, how do we make sure that the hotline and the inspector's office don't end up becoming a tool for folks that simply don't like that policy change?" Neely said.

Mercer made clear the governor's office was unhappy Republican legislative leaders, [who by law](#) are entitled to copies of inspector general reports, had released an unredacted version to the media, which the Northam administration and the IG's office had refused to do.

"You have Tommy Norment and Mark Obenshain bragging online that they've shared it with the press," Mercer said, referring to two Republican senators. "And the governor's response was well what are we doing to investigate them? Are they gonna get dinged?... It's not like they hid the fact that they did it."



📷 Clark Mercer, chief of staff to Gov. Ralph Northam. (Ned Oliver/Virginia Mercury)

Before giving the Martin report to General Assembly leaders, the IG's office added a red-letter warning instructing recipients: "Please do not further disseminate this report to preserve the integrity of the investigation." Republican leaders disregarded that plea, insisting it was legally baseless and that, as elected representatives, they had every right to share information with the public.

When the inspector general issued a half-dozen other reports substantiating additional allegations against the Parole Board later last year, his office refused to give unredacted copies to Republicans or the media. It's not clear they ever would have become public if not for unauthorized leaks.

Findings of Fact

[REDACTED]

Redactions to watchdog report on Va. Parole Board came after governor’s office got notice of FOIA requests

In late July, employees in Virginia’s Office of the Inspector General were preparing to release what they seemed to think was an important report on alleged misconduct by the Virginia Parole Board. On July 23, Inspector General Michael Westfall emailed a staffer saying the report was “ready for issuance.” It concluded the board had violated ... Continue reading

In the meeting, Westfall said his office has no authority to investigate the legislative branch and never intended for the full Martin report to go public.

“If it was up to us it wouldn’t be in the press,” Westfall said.

Nothing in the recording backs up Republican claims that the governor’s office may have been involved in editing down a 13-page, draft version of the Vincent Martin report into the six-page report that eventually became public. As Northam’s team questioned the conclusions in the shorter report during the meeting, the IG’s office at times raised information that didn’t make the final cut in order to defend its findings. Senate Minority Leader Tommy Norment, R-James City, mischaracterized the timeline of events in a floor speech earlier this month, incorrectly suggesting the report was edited down after the meeting between the IG’s office and the Northam administration.

Dear Secretary Moran:

The Office of the State Inspector General (OSIG) conducted an administrative investigation based on multiple complaints made to the State Fraud, Waste and Abuse Hotline about the Virginia Parole Board (VPB), Case #18647. [REDACTED]

Allegation

Background

More revelations on Va. Parole Board wrongdoing prompt call for new investigation

Two Virginia senators are asking for a “clear and transparent” General Assembly investigation into alleged wrongdoing by the Virginia Parole Board, which is under scrutiny for failing to follow state law and its own procedures by releasing violent offenders without properly notifying victims’ families or the prosecutors who represent the communities where the crimes were committed. ... Continue reading

 Virginia Matters

Though Westfall at one point conceded the report could’ve been “written differently,” he didn’t back down from its basic conclusions: that the Parole Board initially didn’t notify Richmond Commonwealth’s Attorney Colette McEachin of Martin’s parole within 21 days of his scheduled release and didn’t “endeavor diligently” to seek meaningful input from the slain officer’s family.

“I stand by the work that our folks did,” Westfall said. “My name’s on it.”

Moran also didn’t budge, saying near the end of the meeting that his team and the Parole Board “don’t concede they did anything wrong.”



📷 Secretary of Public Safety Brian Moran. (Ned Oliver/Virginia Mercury)

Mercer seemed to be acting as a middleman, occasionally agreeing with Moran that aspects of the report seemed unfair while also acknowledging the inspector general may have found issues that needed fixing.

After hearing that former Parole Board Chairwoman Adrienne Bennett, who oversaw Martin's parole just before she left the job to become a judge in Virginia Beach, didn't cooperate with the investigation, Mercer said he wasn't happy she was "absent in this conversation."

"If these are seriously decisions made under her watch, I think she needs to be accountable to speak to them," Mercer said.

'We quoted what they told us'

Bennett left the position in April 2020, just as the COVID-19 pandemic was disrupting ordinary procedures and state officials were under pressure to release inmates to avoid outbreaks and deaths in prisons. That left current Parole Board Chairwoman Tonya Chapman, a former Portsmouth police chief, handling watchdog investigations into cases that occurred under her predecessor's tenure.

Much of the meeting focused on the two sides' differing opinions about the report's findings.

Northam officials repeatedly insisted that because the Parole Board moved back Martin's release date after realizing it had been set too early for the Richmond prosecutor to receive the 21-day notice required by law, investigators couldn't justify a finding that the 21-day rule had been violated. The IG's office pointed out the report said the Parole Board hadn't "initially" met the requirement per the original release date. That led Northam's team to question why the report didn't include a fuller timeline making it clear that the 21-day rule had been satisfied if measured against the actual date of Martin's release.

Moran also pointed out the 21-day rule is usually easily met by parolees going through a six-month re-entry program prior to their release, a step that had been suspended due to COVID-19.

The administration also took issue with the report's finding the Parole Board hadn't tried hard enough to allow the slain officer's family to give input early in the process, noting that the family did in fact have an opportunity to offer input into the decision. The IG's office noted Bennett had said in an email to an official in Moran's office that the decision to grant Martin parole had been "decided in November," months before the family was contacted. In that same email, Bennett said the board "had no choice" but to contact the family.

Moran criticized the report's conclusion that the Parole Board, which operates largely in secret due to a broad exemption from the state's Freedom of Information Act, had not kept minutes of meetings during Bennett's tenure. He asked how investigators could be sure any meetings were taking place to begin with.

"This presupposes there were meetings," Moran said. "Show me where the meetings were."

The IG's office said Chapman had reported that under her predecessor the board didn't always stick to a set meeting schedule and minutes weren't taken.

"That's not what this says though Mike, come on," Moran said.

"I say come on to you, sir," Westfall replied. "I don't have any problem with this one at all. We quoted what they told us."

Westfall said multiple times that his office's subsequent reports on the Parole Board were more clear-cut, many of them showing prosecutors and victims weren't notified at all. At the time, the Northam administration hadn't seen those reports, and the conversation repeatedly returned to the controversy surrounding Martin's release.

"The thing I feel horrible for is Mr. Martin," Mercer said. "I mean, obviously the first person I feel horrible for is the victim and the families. Wretched for them. But Mr. Martin didn't do anything. And he has a sterling record while he was incarcerated which is not mentioned. And he's out there now under a cloud for the rest of his life that there was a bunch of shenanigans to let him out of prison."

The recording also captures some of the IG's office staffers comments shortly after they left the meeting, with one seeming mystified that some in the Northam administration still felt the

Parole Board had done nothing wrong.

Westfall seemed to suggest the situation could cost him his job.

“This is the type of stuff that leads to me getting a new job. Against my will,” he said, prompting laughter from a colleague. “And I’m fine with that. I knew that when I took the job.”

“Nah. Hey. If you get let go because of this, then everybody’s’ going to be up in arms,” the colleague replied.

“It doesn’t have to be for this,” Westfall said. “It can be something else. You know how that works.”



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A veteran Virginia politics reporter, Graham grew up in Hillsville and Lynchburg, graduating from James Madison University and earning a master's degree in journalism from the University of Maryland. Before joining the Mercury in 2019, he spent six years at the Richmond Times-Dispatch, most of that time covering the governor's office, the General Assembly and state politics. He also covered city hall and politics at The Daily Progress in Charlottesville. Contact him at gmoomaw@viriniamercury.com

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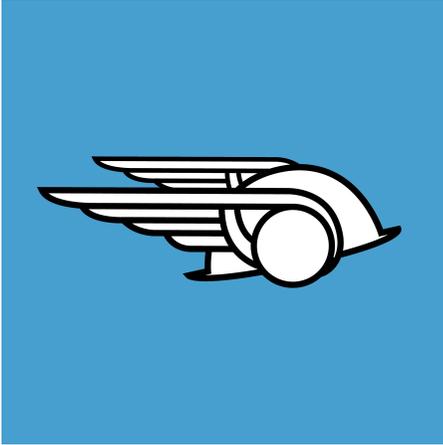
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