

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

James and Lorie Jensen, et al.,

Case No. 09-cv-01775 (DWF/BRT)

Plaintiffs,

vs.

Minnesota Department of Human  
Services, et al.

**DECLARATION OF MARGARET  
FLETCHER-BOOTH, PH.D**

Defendants.

I, Margaret Fletcher-Booth, pursuant to 28 U.S.C. § 1746, hereby declare as follows:

1. I am employed by the Minnesota Department of Human Services (“DHS”) as Director of Quality Assurance and Disability Compliance Services (“QADC Services”). In this role I was responsible for facilitating and coordinating the review of Dr. LaVigna as external reviewer of DHS’s Forensic Mental Health Program (“FMHP”).

2. I first spoke with Dr. LaVigna about the nature of this review on February 13, 2020. In that conversation we discussed the general types of materials he would need for the review and his availability and willingness to conduct the review. At this time, I inquired whether Dr. LaVigna would like to come to Minnesota to visit FMHP and the Anoka Metro Regional Treatment Center (“AMRTC”) in person, and he said that he could conduct his review based on papers and documentation, and not an in-person visit.

3. On March 19, 2020 I had the first of several detailed conversations with Dr. LaVigna in which he discussed the initial types of materials he would like to review

from FMHP and AMRTC. I worked with FMHP and AMRTC clinical staff to determine what documents they had that would be responsive to Dr. Lavigna's requests. In coordination with FMHP and AMRTC, I provided all the documents responsive to Dr. LaVigna's requests.

4. In the conversation with Dr. LaVigna on March 19, 2020, Dr. LaVigna stated that he was expecting to see a need for "corrective action" at FMHP. When asked why he expected to see a need for corrective action, Dr. LaVigna stated that his expectation was based on his conversations with the "Ombudsman, the Judge, and lawyers."

5. Between March and May 2020, Dr. LaVigna requested various types of documents and materials by email and in conversation. After determining with FMHP and AMRTC what types of responsive information they had, I shared all responsive documents with Dr. LaVigna. In some situations, Dr. LaVigna requested documents or types of written information that FMHP or AMRTC did not have.

6. On April 6, 2020, Dr. LaVigna requested security video footage of FMHP. After discussing what video footage was available with FMHP staff, I discussed with Dr. LaVigna that security video footage does not have any audio and is only retained for 30 days, so none of the existing footage would cover events that happened in the year that he was reviewing. As a result, Dr. LaVigna decided that he did not want the video footage.

7. Throughout the course of the review Dr. LaVigna requested documents and material that did not appear to be within the scope of the review of the use of restraints as ordered by the Court in Document 779. Nonetheless, I worked with FMHP to provide all documents Dr. LaVigna requested in order to be cooperative and facilitate the review process.

8. On May 5, 2020 I again offered Dr. LaVigna the opportunity to visit FMHP and AMRTC in person. Dr. LaVigna again turned down this opportunity, but did request a conference call with clinical staff at FMHP. In response, on May 7, 2020 I hosted a conference call with Dr. LaVigna and Dr. Angela Dugan, Executive Director of Behavioral Health at DHS Forensic Services, and Alyce Knaak-Fraley, Director of Clinical Operations at FMHP, along with Dr. Dan Baker, *Jensen* Internal Reviewer, Beth Sullivan, Senior Associate General Counsel and Catherine Courcy, Associate General Counsel.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: August 6, 2020.

**s/ Margaret Fletcher-Booth**  
MARGARET FLETCHER-BOOTH