Victims: 15 years in prison not enough for architect of Kaufman House terror | Kansas Reflector

Tim Carpenter

TOPEKA — Nancy Jensen struggled for nearly two decades to convince state and local government officials and church leaders that a Newton couple operating residential facilities for mentally disabled adults engaged in bizarre physical and sexual abuse under the guise of therapy.

She eventually fled the group homes and experienced the restorative power of a U.S. District Court jury rendering guilty verdicts and of a federal judge dropping the hammer on the husband and wife team of Arlan and Linda Kaufman. They were sentenced in 2006 to lengthy terms in prison from a long-overdue investigation exposing involuntary servitude, health care fraud, forced labor and mail fraud.

When former registered nurse Linda Kaufman sought early release from a 15-year term due to illness, Jensen endorsed that act of compassion. Jensen declined to do the same for Arlan Kaufman, a former social worker who led the Kaufman House business and was ordered to serve 30 years in prison and pay $534,000 in restitution. He petitioned the court for release from a Butner, N.C., prison medical center to seek prostate cancer treatment and elude potential infection with COVID-19.

“I want him to die in prison,” Jensen said. “My heart is sick with the idea of his release.”

On Tuesday, U.S. District Court Judge Thomas Marten issued a five-page ruling that denied Kaufman’s request for a compassionate release. The judge said Kaufman was at an elevated risk of contracting COVID-19 due to his serious medical challenges, but the heinous nature of his crimes didn’t justify cutting his prison sentence in half.

“Reduction of the sentence to time served, under the circumstances of this case, would be a windfall to the defendant, which would fail to promote respect for the law and would undermine just punishment,” Marten’s order said. “Such a windfall would fail to produce a sentence relative to the nature of seriousness of his many underlying crimes.”

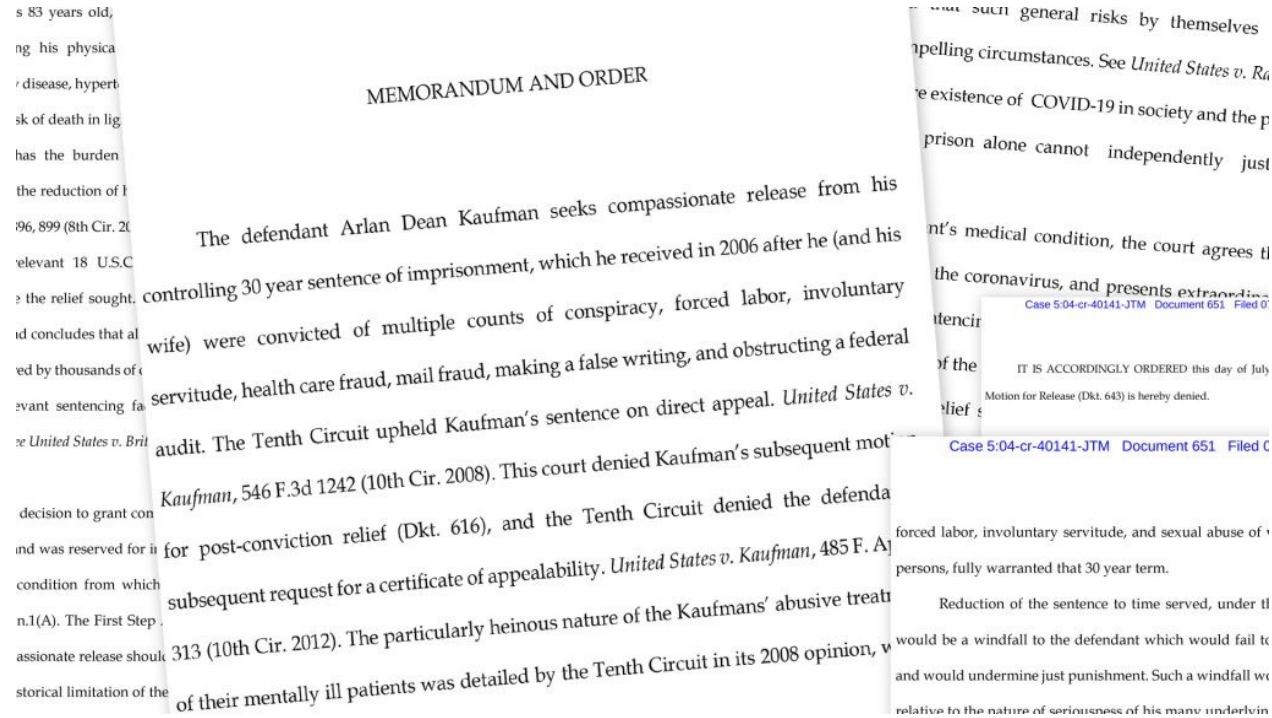
He was convicted of conspiracy, forced labor, involuntary servitude, health care fraud, mail fraud, making a false writing and obstructing a federal audit.

Jensen said she was grateful to judge’s decision served the interests of justice.

“This denial of release says our lives mattered, what happen to us mattered. He has to pay the consequences of what he did to us,” she said.

Former Kaufman House resident Lynn Kohr submitted a letter to the court expressing concern that anyone would seriously contemplate the premature release of Kaufman. She said he shouldn’t be viewed as a victim or allowed to live out the remainder of his life in the comforting arms of family.

“I was often locked in a room with no furniture, not even a bed or chair, and had no access to a toilet,” she said. “I was not even allowed the dignity of being able to wear clothes. I was always naked in that room. He entered the darkened room daily for ‘therapy.’ I was forced to be alone in that room the rest of the time with my hopeless and severely depressed thoughts at the very times I needed to be around people and support.”



A U.S. District Court judge rejected an application by former Newton social worker Arlan Kaufman to be released 15 years early from prison due to poor health and risk of COVID-19. Kaufman was convicted with his wife of forced labor, involuntary servitude and other offenses for abusing mentally ill adults under their care. (Illustration/Kansas Reflector)

Pleas for freedom

Kaufman's attorneys, Zachary Newland, of Rutland, Vermont, and James Pratt, of Wichita, submitted a 31-page brief in June requesting a federal judge reduce the sentence to time served rather than adhere to a scheduled release date in 2031. His appeal was based in part on passage of the First Step Act, a law signed in 2018 by President Donald Trump to remove obstacles from judicial review of sentences to determine whether "extraordinary and compelling" reasons existed to trim incarceration times.

"A reduction in his sentence is consistent with U.S. sentencing policy and he poses no danger to society," the document said. "This court should conclude that Dr. Kaufman satisfies the requirements for compassionate release. It is inhumane and unnecessarily punitive to keep an 83-year old man with stage four prostate cancer imprisoned."

The legal brief argued Kaufman was a "first-time offender," had a 1% chance of surviving five years and was at high risk of being infected with coronavirus due to his compromised health and advanced age. Those arguments were unconvincing to the warden at the Federal Correctional Facility in Texas. The warden denied his plea for release in April, and the U.S. Bureau of Prisons transferred him to North Carolina.

Oncologist Clinton Merrill Jr., who produced a report for Kaufman's attorneys based on examination of his medical records, confirmed the inmate had terminal metastatic prostate cancer. The doctor said Kaufman's condition would benefit from more aggressive health care, which Kaufman would have access to if he was freed and allowed to live with a son in St. Louis.

"Due to his age and stage of his disease, Mr. Kaufman has at best a 40% predicted one-year survival," Merrill said. "It is, therefore, more likely than not, that he will survive for less than one year."

Linda Kaufman was granted early parole in 2016 due to health complications and died in 2019.

Criminally offensive

Rocky Nichols, executive director of the Disability Rights Center of Kansas, said the organization opposed Kaufman's early release due to the nature of his crimes and his failure to express remorse for years of reprehensible conduct.

"Mr. Kaufman continually minimized his role throughout the trial, sentencing and resentencing phases, but the evidence was overwhelming that he was the architect of the horrific abuse suffered by the victims," Nichols said.

In 2004, the Disability Rights Center started providing legal representation to mentally ill individuals at Kaufman group homes in Newton who were subjected to abuse. DRC's special investigative authority under federal law was relied upon to start a chain reaction that contributed to the arrest and filing of dozens of charges against the Kaufmans.

The Kaufmans served as landlord, counselor, nurse and guardian of the severely mentally disabled men and women under their direct care. The residents were at times compelled to do housework, farm chores and endure treatment while nude and under observation by the Kaufmans. Former residents testified Arlan Kaufman forced them to fondle each other, shave each other's genitals and to masturbate in front of their peers. Witnesses also said both Kaufmans used a stun gun on the genitals of at least one resident.

Involuntary sexual activities among male and female residents were videotaped and added to the pornography collection found by investigators in the Kaufmans' possession. All the while, the couple billed Medicare for their unorthodox work.

During the criminal case, several Mennonite churches circulated petitions and sent letters to the federal court seeking leniency for the Kaufmans.

Nichols pointed to the words of U.S. District Court Judge Monti Belot, who presided at the Wichita trial of Linda and Arlan Kaufman, to amplify his opposition to early release.

The judge said: "I have never had a case where an inmate even claimed, much less proved, treatment by prison officials remotely similar to that inflicted upon the residents at Kaufman house.The closest parallel which comes to mind is the abuse of prisoners at the Abu Ghraib prison in Iraq."

'Survivors know'

U.S. Rep. Ron Estes, a Republican representing the Wichita area, added his voice to those opposing Kaufman's prompt release from prison on humanitarian grounds. In a letter to the Texas prison warden, Estes said granting freedom to Kaufman would trigger a special kind of agony for his victims.

"I plead with you not to inflict further pain upon the mentally ill victims of Arlan Kaufman by setting this evil man free," the congressman said. "The horrendous nature of Mr. Kaufman's crimes do not merit a compassionate release."

After the Kaufmans were arrested, the Kansas Legislature reformed state law to provide greater oversight of group homes for the disabled and to address potential conflicts of interest by operators of those facilities. Credit for that work rests with the Disability Rights Center and with former residents, including Kohr and Jensen. Both women have been nationally recognized for their advocacy.

Jensen said she could still hear Arlan Kaufman's voice telling her that she would never succeed in life. Affirming his petition for early release would be an insult and renew suffering former residents have worked hard to overcome, she said.

"My heart is sick at the idea of Kaufman's release," Jensen said. "Most hurtful is that both he and his family would view his early release as a victory, as vindication and as proof that he did no wrong. We survivors know better. This is not about compassion. If he is released, in his mind, he wins. If he is released, in our experience, we lose."