Lawinaker doubled that prison officials didn't use predator law to keep Jeffrey Stumph off streets.

By Laura Bauer Menner 1/13/02 Copyright 2002 News-Leader.

When Rep. Craig Hosmer sponsored his

sexual predator law more than three years ago, he aimed to keep offenders like Jeffrey Stumph off the street. Stumph, an admitted predator, confessed to attacking three women by the time he was 15.

Out of prison just three months, Stumph confessed to assaulting two Drury University students a week ago Inside today in a burst of crime that iolted the community.

Hosmer's law was passed by the Missouri legislature and signed by the governor. Why didn't it stop Stumph from slipping through the Notification net? Because it wasn't used.

"(Stumph) is a poster child for the problem we tried to snare with that legislation," said Hosmer, D. Our View: Springfield, this week. "That's why it's so frustrating. There's a law on the books today supposed to protect the public from people like that and then it's not

used. That to me is what the problem is here no law can work if you don't use it."

Amanda Dixon, a Springfield woman who fought Stumph off in 1994 and helped police get him behind bars, was stunned to learn that a law crafted to keep offenders like him from striking again wasn't applied.

"That really is a slap in the face. Why is it there if we aren't using it?" Dixon asked. "To think, those two girls could have been protect-

According to the Missouri attorney general's office, 22-year-old Stumph, despite his highprofile criminal history, wasn't reviewed after serving seven years of a 10-year sentence. In fact, he wasn't even recommended for review by staff at the Department of Corrections.

The purpose of the state's law is to make ered a risk to offend again aren't put back on the street after they've served their full criminal sentences. Mental health experts and prosecutors can use "civil commitment" to retain offenders, essentially placing them in mentalhealth facilities until they are no longer considered a risk to the public.

During the three years the law has been in effect, the attorney general's office has received

94 recommendations from the Department of

Corrections. Of that number, 25 he strongly disagrees. inmates have been detained indefi-Springfield attorney Tom Carver nitely, a handful have been freed and represents two clients being reviewed others are still jailed, enmeshed in the under the law, including one from Greene County. He's no fan of the law. court process. Still, Stumph slipped through. but agrees with Hosmer in this case. Why? Officials with the prison sys-"We could go through the law sectem say he didn't meet the psycholog- tion by section, but there's nothing in ical definition of "predator," and thus there that supports something they are didn't meet the criteria of the law. trying to pass off as a reason" for why The law's creator disagrees. And Stumph wasn't reviewed, Carver said. the Stumph case brings into question

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predator law.

that the law was followed to the letter

regarding Stumph's prison term -

including his successful completion of

the state's sex-offender treatment pro-

gram. In the end, they said, Stumph is

pleted the treatment, to lead a crime-

free life once he left prison," said Tim

Kniest, spokesman for the Depart-

ment of Corrections. "It's up to that

person to do that and that's what

Stumph's case — and those familiar

with the predator law - said Stumph

perfectly fit the profile of a predator

man is," said Assistant Greene County

Prosecutor Cynthia Rushefsky, who

prosecuted Stumph in 1996. "It doesn't

make any sense. This is a case where

they didn't do what they should have."

used for Stumph because Stumph

didn't qualify for a review. At least

that's how the Department of Cor-

mental abnormality or disorder."

"He was never diagnosed with a

rections interpreted it.

Kniest said Friday.

"A requirement

that's what we did

Kniest said the law couldn't be

"If anyone is a sexual predator, this

and should have been reviewed.

Yet attorneys who have worked on

we're looking at here.'

"He was given all the tools, com-

the only one to blame for his actions.

Law/ Many argue Stumph fit criterion

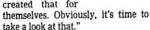
Missouri's violent sexual predathe DOC's enforcement of the sexual tor law - patterned after a Kansas law upheld by the United States Before Hosmer started scrutinizing Supreme Court in 1997 - was implehow his law was being applied and how mented Jan. 1, 1999. After an offender Stumph eluded it, many in the justice convicted of certain sex crimes is arena defended the system that set him released from prison, the law allows free. Everyone did their jobs the way the state to retain civil custody if a they were supposed to, officials said jury or judge finds that the offender last week after the attacks on the Drury has a mental abnormality that makes students. And, prison officials insisted him likely to reoffend.

The problem, many say, is that the judge or jury makes the decision at the end of the predator review process not the prison system at the beginning. That's why some don't understand why

Hosmer helped write the law - and

a diagnosed abnormality is required before someone is even reviewed.

"I don't think the statute puts any restrictions on who's reviewed." said Carver, "It looks like the DOC created that for



Moore

Further, Greene County Prosecutor Darrell Moore - who serves on a team of five prosecutors that reviews state inmates for the predator law said he can't believe Stumph wouldn't have a diagnosed abnormality, such as anti-social behavior, in his file.

Is such a diagnosis in Stumph's history? Kniest says no. But the public can not view Stumph's pre-sentence report - which includes diagnoses from two psychologists because he was a juvenile, 14, when he committed his first sexual offense. The report is sealed inside his file.

That's Missouri law, intended to protect juvenile offenders, even after they've become adults and offended again.

"You can't tell me, given what he did, that he was never diagnosed with some type of abnormality," Moore said. "I would be amazed if he



"If anyone is a sexual bredator, this man is. It doesn't make any sense. This is a case where they didn't do what they should have."

assistant Greene County prosecutor

wasn't diagnosed with anti-social behavior."

The majority of people released from the prison system are estimated to have anti-social behavior.

But Kniest said when a licensed psychologist for the prison evaluated Stumph after he completed the state's sex offender treatment program within the past year, no mental abnormality was diagnosed.

But in Hosmer's mind, Stumph should have been reviewed simply because of his pattern of sex offenses. Stumph pleaded guilty to three counts in 1996, each one representing a separate victim — forcible rape for an attack on a 14-year-old, attempted rape of a 20-year-old and felonious restraint of Dixon, who was then 18.

Stumph's first two attacks happened in 1993 when he was 14 years old. In all cases Stumph used a knife, the same kind of weapon he told police he used a week ago when he attacked two Drury University students.

Stumph's pattern of violent behavior dates back to elementary school, where during a break in he two attacks Stumph said he commitshredded a couch and killed the fish ted a week ago in midtown Springfrom an aquarium, stabbing them, field, one by one, with his knife.

when he's released," Hosmer said.

Moore said the team of prosecu- streets." tors who recommend predator cases

- Cynthia Rushefsky

majority of whom are indigent - pay for experts needed in the court pro-The crack Stumph seemed to slip through is more like a crevice. Carver contends. He and others want to know more about how Stumph was

looked at dozens of inmates, some of

whom had only anti-social behavior

and no other abnormality diagnosed

violent acts (than Stumph) have been

reviewed," Moore said. "We've

screened people we found weren't a

predator and dismissed them

because they were a close call. To me,

this one wouldn't have been a close

state officials and legislators are

being urged to look at several issues.

Included in those concerns are the

interpretations of the sexual preda-

tor law and more accurate psycholog-

ical testing by independent psycholo-

held indefinitely in the prison system

because prison officials and prosecu-

tors say that on paper they appear to

be predators, has been an outspoken

opponent of the sexual-predator law

beast that isn't evenhanded or fairly

written. He says the law exploits the

poor by making offenders - the

Carver calls the law a political

Carver, who has two clients being

gists early on in the process.

since its inception.

In the wake of last week's attacks,

"Many who have committed less

psychologists who did the evaluating. "Maybe (Stumph) is a mental miracle, but I wonder what they did and how they did it," Carver said. "The bottom line is we need to pay more attention to diagnosis in the beginning. ... When you have a 14-year-old with a couple of nasty rapes, there

evaluated and the credentials of the

should be red flags that go up." Hosmer maintains that his law works. He only wants it to be applied.

A man like Stumph needs to be reviewed, Hosmer said. He points to the 25 sex offenders kept off the streets in the past three years. Think of the crimes prevented. Hosmer said.

But it's impossible to forget the

"I think the law has worked well. "When you look at his prior histo- It's done what it's supposed to do ry, that all by itself is a pretty good when it's used," Hosmer said. "We'll indication he's going to have problems find out why the law wasn't used in this case to keep this guy off the

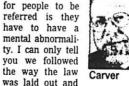


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certain that sexual predators who are consid-



Carver

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