

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

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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 today in a burst of crime that jolted 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 net? Because it wasn't used.

"(Stumph) is a poster child for the problem we tried to snare with that legislation," said Hosmer, D-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 protected."

According to the Missouri attorney general's office, 22-year-old Stumph, despite his high-profile 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 certain that sexual predators who are considered 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 mental-health 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



Hosmer

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Corrections. Of that number, 25 inmates have been detained indefinitely, a handful have been freed and others are still jailed, enmeshed in the court process.

Still, Stumph slipped through. Why? Officials with the prison system say he didn't meet the psychological definition of "predator," and thus didn't meet the criteria of the law.

The law's creator disagrees. And the Stumph case brings into question the DOC's enforcement of the sexual predator law.

Before Hosmer started scrutinizing how his law was being applied and how Stumph eluded it, many in the justice arena defended the system that set him free. Everyone did their jobs the way they were supposed to, officials said last week after the attacks on the Drury students. And, prison officials insisted that the law was followed to the letter regarding Stumph's prison term — including his successful completion of the state's sex-offender treatment program. In the end, they said, Stumph is the only one to blame for his actions.

"He was given all the tools, completed the treatment, to lead a crime-free life once he left prison," said Tim Kniest, spokesman for the Department of Corrections. "It's up to that person to do that and that's what we're looking at here."

Yet attorneys who have worked on Stumph's case — and those familiar with the predator law — said Stumph perfectly fit the profile of a predator and should have been reviewed.

"If anyone is a sexual predator, this 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."

Kniest said the law couldn't be used for Stumph because Stumph didn't qualify for a review. At least that's how the Department of Corrections interpreted it.

"He was never diagnosed with a mental abnormality or disorder," Kniest said Friday.

"A requirement for people to be referred is they have to have a mental abnormality. I can only tell you we followed the way the law was laid out and that's what we did



Carver

Hosmer helped write the law — and he strongly disagrees.

Springfield attorney Tom Carver represents two clients being reviewed under the law, including one from Greene County. He's no fan of the law, but agrees with Hosmer in this case.

"We could go through the law section by section, but there's nothing in there that supports something they are trying to pass off as a reason" for why Stumph wasn't reviewed, Carver said.

Missouri's violent sexual predator law — patterned after a Kansas law upheld by the United States Supreme Court in 1997 — was implemented Jan. 1, 1999. After an offender convicted of certain sex crimes is released from prison, the law allows the state to retain civil custody if a jury or judge finds that the offender has a mental abnormality that makes 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 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 themselves. Obviously, it's time to take a look at that."

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



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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 shredded a couch and killed the fish from an aquarium, stabbing them, one by one, with his knife.

"When you look at his prior history, that all by itself is a pretty good indication he's going to have problems when he's released," Hosmer said.

Moore said the team of prosecutors who recommend predator cases for the attorney general's review has

looked at dozens of inmates, some of whom had only anti-social behavior and no other abnormality diagnosed.

"Many who have committed less 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 call."

In the wake of last week's attacks, state officials and legislators are being urged to look at several issues. Included in those concerns are the interpretations of the sexual predator law and more accurate psychological testing by independent psychologists early on in the process.

Carver, who has two clients being held indefinitely in the prison system because prison officials and prosecutors say that on paper they appear to be predators, has been an outspoken opponent of the sexual-predator law since its inception.

Carver calls the law a political beast that isn't evenhanded or fairly written. He says the law exploits the poor by making offenders — the majority of whom are indigent — pay for experts needed in the court proceedings.

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 evaluated and the credentials of the 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 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 two attacks Stumph said he committed a week ago in midtown Springfield.

"I think the law has worked well. It's done what it's supposed to do when it's used," Hosmer said. "We'll find out why the law wasn't used in this case to keep this guy off the streets."