

Clarification of Evidence given to the Joint Committee on Human Rights Inquiry into the Human Rights of Adults with Learning Disabilities

Disability Hate Crime against Adults with Learning Disabilities

1) Our supplemental evidence on disability hate crimes against adults with learning disabilities (dated 3 September 2007) included a statement from the Crown Prosecution Service (CPS) Devon and Cornwall on the case of Steven Hoskin. We told the Joint Committee that this statement indicated that Mr Hoskin's case had been considered as a disability hate crime by the trial judge and that s.146 of the Criminal Justice Act 2003 had been used to increase the sentences of Mr Hoskin's killers. In addition, we stated that the trial judge had applied s.146 but had not stated this as required to do by this section of law.

2) These assertions were made on the basis of e-mail correspondence and telephone conversations with the CPS. During these communications we noted some ambiguity in the statement from CPS Devon and Cornwall and sought clarification from the CPS as to whether s.146 had been applied. We were informed by the CPS on two occasions that s.146 had been applied in Mr Hoskin's case, but that the trial judge had not stated this.

3) The CPS has recently informed us that Mr Hoskin's case was not a disability hate crime and that the trial judge did not apply s.146 during sentencing. The CPS has told us that a misunderstanding arose because of the ambiguity of the initial statement from CPS Devon and Cornwall and that this led to incorrect information being supplied to us. We then, in turn, passed this information on to the Joint Committee.

4) In correcting this misunderstanding, the CPS has informed us that the prosecution fully considered the applicability of s.146 in Mr Hoskin's case and decided that it did not apply. The rationale for this decision is as follows:

- Those who tormented and then killed Steven Hoskin were not motivated by hostility towards him as a result of his disability. He was set upon initially by them because he was suspected of having informed a store detective that Sarah Bullock had been involved in an offence of shoplifting.
- Thereafter, Mr. Hoskin was forced to confess to being a paedophile. This enflamed his captors who treated him with escalating brutality.
- There was no evidence that at any stage Mr. Hoskin's ill-treatment was prompted by hostility arising from his learning disability. On the contrary, right up until his final moments he was berated for having given information.
- Section 146 does not apply to the facts of this case.
- Steven Hoskin's disability made the offences more shocking, but was not the motive for their commission.
- However, it would be quite wrong for anyone to suppose that Steven Hoskin's disability was not central to the sentencing exercise. There should be no

doubt in anyone's mind but that Steven Hoskin's disability was very much a factor in the judge's sentences in this case.

5) We would like to thank the CPS for clarifying this matter and for their kind apology for this unfortunate misunderstanding. The CPS has been very helpful in clearing this misunderstanding up and we thank them for their assistance.

6) We are pleased that Mr Hoskin's disability was a factor in determining the sentences of his killers – this is a just response to this tragedy. However, for us, there are still some lingering issues in this case and these issues may never be resolved. In particular, there is the issue of whether Mr Hoskin's killers felt able to treat him in the manner in which they did because his learning disabilities devalued or dehumanised him in their minds. Also, to what extent Mr Hoskin's learning disabilities meant he was unable to successfully rebut accusations of having told a store detective that Bullock was shoplifting and of being a paedophile.

7) Our organisations apologise to the Joint Committee for any inconvenience this misunderstanding has caused and for inadvertently supplying information which we now know to be incorrect. We hope that the clarifications provided in this document will assist the Joint Committee in their consideration of disability hate crimes against adults with learning disabilities.

7.1) This consideration may be helped by statistics on disability hate crime prosecutions which the CPS has kindly supplied to us in the last couple of weeks. These supplant the only previously available figures which were contained in an article in Disability Now and which we quoted in our supplemental evidence on disability hate crime.

7.2) Between April and September 2007 there were 68 cases of disability hate crime prosecuted in England and Wales. Of these, 57 resulted in a successful outcome.

7.3) The criminal justice system deserves congratulations for this 84% success rate in disability hate crime prosecutions. Unfortunately, 68 prosecutions is still far below the levels of disability hate crime indicated by surveys of people with learning disabilities and which was referred to in our original evidence.

Please feel free to contact us if we can be of any further assistance.

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