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Passing Ashley's Law – Protecting Persons with Disabilities from Violent Crimes

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Abstract

This commentary is the personal story of Paula Vigil and common macro practice strategies implemented to pass Ashley's Law. Ashley was the daughter of Paula and suffered from Rett Syndrome. Rett Syndrome is a rare genetic neurological disorder that leads to severe impairments, affecting nearly every aspect of life. Rett Syndrome particularly affects speech, purposeful hand use, and coordination, leaving individuals understanding more than they can communicate. In 2021, Ashley was raped by her mother's boyfriend and passed away in Spring 2024 due to the trauma and complications of Rett Syndrome. The boyfriend received a sentence of 13 years with the potential of parole. Individuals protected by Utah statute under 14 years old receive a 25-year minimum sentence. The advocacy strategies explained in this commentary are one mom's quest to bring justice to Ashley and to protect future victims.

Passing Ashley's Law – Protecting Persons with Disabilities from Violent Crimes

Introduction

Ashley was the most beautiful girl. She had dark auburn hair that sparkled red in the sunlight — the only person I've ever seen with that color. She had the most infectious grin. It was impossible to see her smile and not want to join. She had the best giggle too. She loved squishy, gushy, mushy Hallmark movies. The sappier the movie, the happier she was! She loved romance and a happy ending, even if she never got one for herself. She would giggle at off-color jokes, letting me know that Rett Syndrome had taken her ability to use her body and voice but not her mind. I took comfort in her outlook on the small things.

Rett Syndrome is a condition often described as cerebral palsy, osteoporosis, epilepsy, and Parkinsons all-in-one disease. She was unable to walk or talk, feed, or bathe herself. Her seizures became more frequent and severe. The neurologist and I could not figure out why! One day, he said to bring him video footage. I purchased cameras to investigate the seizures more. Upon reviewing the videotapes, I saw Ashley being raped by her stepfather. I immediately left the house to call the cops. It took over an hour for the police to meet me while Ashley was home alone. My phone was stopped on her rape. The police questioned him away from Ashley and placed him under arrest based on the video. I was informed he would not have a mandatory prison sentence because Ashley is an adult. I thought, “What a minute? What??! She was in a diaper! She can barely sit up! She can't walk, talk, run, fight, nothing!” It is as if she is almost an infant due to the impact of Rett Syndrome.

Her stepfather was originally charged with three first-degree felonies and three second-degree felonies. Ultimately, he was sentenced to 13 years with the possibility of parole after eight years. The plea deal dropped one felony, which left two first-degree felonies and two second-

degree felonies to be served consecutively with one second-degree being concurrently. After watching the tape, the judge rejected the plea and said all five would be consecutive. In an interview with KUTV with Salt Lake County District Attorney (DA) Sim Gill, the judge indicated that Utah does not have a minimum sentencing guideline for an adult victim of rape who has a disability with instances of court-ordered guardianship -i.e., individuals who 18 are unable to care for themselves according to the court and requires a guardian for decision-making (Gilbert, 2024).

Because this law does not provide adequate protection, I am attempting to change the laws in Utah regarding persons with disabilities. According to Utah Code 76-5-402(3), a rape of a child under 14 may result in a prison sentence of 25 years to life, while a rape of an adult person with a disability is a five-year minimum. The proposed new law – Ashley’s Law – would only include disabilities in which victims are unable to make decisions on their own without full guardianship. DA Gill said a statutory change in the Utah Code would be necessary to make such a change. Below is a commentary of advocacy strategies from a macro social worker at Utah State University.

Advocacy Strategies

I decided right then that I would start a community campaign to bring awareness to Ashley’s Law and streamline support for the legislative change in Utah. Our community organizing efforts is an attempt to establish minimum sentencing for rape of a person with the power of attorney (POA) determination in Utah. Perpetrators of a person with a disability are the same as an adult with a five-year minimum. In advocacy, social workers can engage in community organizing on behalf of their clients. Other times, social work advocacy starts with

an incident that is personal to the organizer, and personal reason to change the system is a contributing factor (Mullaly, 2010).

As I started my journey, I engaged in strategies to change the law that made sense to me. I promised her I would not give up. She will be remembered for the change she brings and not for the worst that happened to her. The strategies to pass Ashley's Law hinged on several tactics from Ezell (2001), ranging from contacting local representatives and stakeholders and following the legislative process of the state legislature.

I have written to every state representative and met with various victim advocates throughout the state. I met personally with several people. I told my story like it was the first time each meeting. Stories from victims are common in bending the ears of legislatures to make policy changes. In the case of Ashley, her voice was silenced due to her condition, and I have a duty, as her mother, to tell her story for justice (Donnelly, 2024). These meetings educated the stakeholders about the issue, yet I've not secured someone to write the bill in my initial meetings.

I made a post on Reddit Utah, and a reporter reached out. After her story was on the news, suddenly, multiple lawmakers were willing to listen. Media is a widely effective tool in building capacity for change in the legislative process (Ezell, 2001). The local news provides a way to reach thousands of viewers and potential exposure to a national market. KUTV and ABC 4 Utah ran multiple stories about Ashley and our efforts. This exposure recruited several concerned citizens and made Ashley's Law more visible with a Google search.

I have raised a little bit of money to buy signs, pamphlets, bumper stickers, a website, and a Facebook page. We rallied at his sentencing, and everyone I can get to do it has written their state representative. I sought input from the community for suggestions to change the law with

an open house in Price and surrounding areas. I have spoken to several groups all over the state while working with the DA in Salt Lake on a possible training for first responders to address secondary trauma when encountering persons with disabilities, a gap in services.

Jansson et al. (2013) and the eight stages of advocacy provided a tremendous blueprint for our advocacy. As mentioned earlier, local leaders are making this a voting issue for their elections. As voting citizens, we can support candidates that will be the voice of our laws, while helping elect them to key decision-making roles. Furthermore, raising awareness, according to Jansson et al., is vital in creating a sense of urgency for Ashley's Law (2013).

Related to teaching, the narratives from clients highlight macro concepts in real advocacy. Just as someone would practice a modality, case examples of advocacy cement the idea/strategies for students. In recent years, instructors have increasingly involved people with lived experience of services in the delivery of social work education (McLaughlin et al., 2016). Ashley's Law is a perfect example of taking macro concepts in the classroom from policy courses and implementing strategies within the community.

A Call to Action

All the while, I did not realize just how truly devastated Ashley was, and that this time, unlike every other time they've counted her out, she was done. Ashley began losing weight and giving up. She went from a tiny round face with a great big smile to gaunt and haunted. The transformation was total. He took her light, her joy, her smile, her will to fight.

When I was meeting with a challenger running for District 67, I told him that every time Ashley tries to go, I tell her, "NO! DON'T GO! I'M NOT READY!" And right then, I realized she was staying here for me. She went quietly that night. I had to bury my beautiful, wonderful, precious angel. My whole world went in that box. I very nearly crawled in beside her and said

just let me go with her. She was my entire world. Being her mom and full-time caretaker was my identity. I love her with my whole heart. The emptiness without her is unfathomable. I feel like I'm drowning. I feel like he took my light, my joy, my smile, and my will too. Yet, I owe it to her to keep pressing forward.

That's where I am right now. I can't let this die. I can't let it be forgotten. I need to change this for my little girl. Because even at 31, Ashley was my baby girl. Please don't let her to have suffered and died in vain. Please help me make a change in her memory so no other family suffers the same pain. If you are interested in more information, please visit

<https://www.ashleyslawut.com/> or join the active FB group here -

<https://www.facebook.com/ashley.s.law.2024>

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