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### Rep. Speier rips Park Service in Taser case

Demian Bulwa

Updated 11:13 p.m., Tuesday, August 28, 2012



Gary Hesterberg was zapped with a park ranger's Taser on Jan. 29, 2012, while walking his dogs along a trail at Rancho Corral de Tierra near Montara in the Golden Gate National Recreation Area. Photo: Courtesy Julia Sherwin / SF

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Rep. Jackie Speier ripped the National Park Service on Tuesday over its investigation into a ranger's use of a Taser to subdue a San Mateo County man who was allegedly uncooperative after being stopped with off-leash dogs.

Speier revealed that the ranger, Sarah Cavallaro, was cleared of potential discipline in April by her agency's Office of Professional Responsibility, three months after her encounter with Gary Hesterberg at Rancho Corral de Tierra near Montara in the Golden Gate National Recreation Area.

Speier, D-Hillsborough, said she had been trying since April to get the park service to talk publicly about its findings, but was told they were confidential. She also said she will seek to change the park service's Taser policy, giving rangers less discretion over when to use the weapon.

The park service "owes the public an explanation, and a greater degree of transparency, than they have provided so far," Speier said. She said using a Taser on a dog-walker "reeks of inappropriate use of power. And the way they've handled it since they completed the investigation reflects a sense of arrogance."

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Howard Levitt, a spokesman for the park service, said it was barred from releasing information about the investigation under the federal Privacy Act of 1974, which protects employee personnel records.

"Being cognizant of public interest, we've been attempting to create a statement to issue," Levitt said. "But we've been advised by our attorneys that the Privacy Act prevents the release of any of the substance of the facts of the case."

The park service said Hesterberg - a 51-year-old electrician and runner from the coastal town of Montara - had two small dogs off-leash when Cavallaro stopped him to warn him Jan. 29.

An attorney for Hesterberg said one of his two lapdogs - a rat terrier - was off-leash, and that he didn't know a leash law was in effect. Rancho Corral de Tierra had been an off-leash area until December, when it became part of the national park system.

According to the park service, the encounter escalated, with Hesterberg giving a false name and, ultimately, trying to leave. That is when Cavallaro fired the electric darts of her Taser into his back.

Some witnesses said Hesterberg had repeatedly asked why he was being detained, and could not get an answer. His attorney said Cavallaro would only cite "the Constitution" when asked what authority she had to hold him.

Hesterberg was arrested on suspicion of failing to obey a lawful order, keeping dogs off-leash and providing false information, but San Mateo County prosecutors declined to file charges.

"It shows a lack of appreciation for the excessive force that was used that they would go to the extent of trying to get a prosecution," Speier said.

Speier released a letter she received in June from Frank Dean, the general superintendent of the Golden Gate National Recreation Area. Dean wrote that Cavallaro's use of her Taser was "within policy and consistent with the training she received."

Dean cited his agency's policies on Tasers, which can be used on people "who are actively resisting a commissioned employee, or to prevent individuals from harming themselves or others."

Speier said the rule was broader than policies at many other law enforcement agencies. But Levitt countered, "That's not our understanding."

Cavallaro did not respond to an e-mail message on Tuesday, and efforts to call her were unsuccessful. The park service said she transferred in June to Grand Canyon National Park.

Michael Haddad, Hesterberg's attorney, said his client had been handcuffed and held for several hours. Haddad filed a claim last month seeking \$500,000 from the park service, a precursor to a civil rights lawsuit.

"It looks like this is the only way to get a real strong investigation into the ranger's actions," Haddad said.

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**ssball** 4:02 PM on August 28, 2012

For the millionth time, TASERS were intended to be an alternative to deadly force, not an alternative to other less-than-deadly force. Deadly force was not called for here.

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**chicoer2001** 4:11 PM on August 28, 2012

Shooting in the back doesn't sound like protecting ones self.

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**marolkisan** 4:25 PM on August 28, 2012

More and more I read comments where posters are so willing to concede their civil rights and those of others over NOTHING. So now it's OK to Taser someone in the back for having a small rat terrier (they weigh less than 20#) off leash? C'mon people, you can't be serious!!!

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