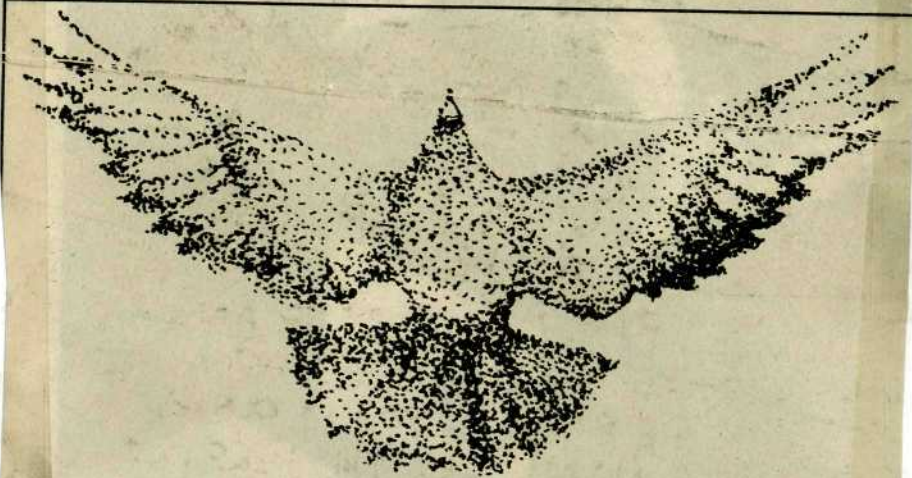


# Questions Remain in Santa Cruz Police Shooting

December 1997

## Activists question the rush to judgment in the police killing of 'Happy John' Dine



**For John Dine, the summer of love finally ended for good on a sidewalk in downtown Santa Cruz, where he was shot to death by Police Officer Conner Carey.**

"Happy John" Dine was a familiar figure in downtown Santa Cruz, easily recognizable in his tie-dyed T-shirt and hippie garb, carrying a boombox playing Beatles music. Dine, 41 at the time of his killing by police, was well-known in the homeless community. He joined in protests of the sleeping ban and frequented local homeless programs.

Dine had a history of homelessness and mental disability, and, for the past 18 months, had been living in a group home for the developmentally disabled in Santa Cruz. He was, according to friends, a warm-hearted man, given to flashing the peace sign and telling people he met to "be happy." Dine reportedly was angry at police because he felt they were harassing him, and was said to have had "problems" with authority.

Santa Cruz activist Robert Norse said: "Happy Hippie John, as he was known to the regulars on Pacific Avenue, had his own special response to his homelessness,

his speech impediment, and his brain damage — he was stuck in the late '60s during the summer of love. Stuck in virtual bliss, always ready to give a peace sign and with no malice for anyone. John practiced nonviolence, even as a response to the injustices he, and other homeless people, must endure nightly. He had slept at the City Hall Sleepers Protest in 1996, receiving sleeping-ban tickets there to protest the Sleeping Ban law."

For Happy John Dine, the summer of love finally ended for good on November 12 on a sidewalk in downtown Santa Cruz, where he was shot to death by Officer Conner Carey. In the days after his killing, activists held vigils and protests, and called the killing of John Dine another assault on homeless, poor and mentally disabled people in a city where the mayor and city council have ordered repressive police crackdowns on homeless people for sleeping, camping and sparechanging. — Editor

Story by Lucy Kemnitzer, research by Becky Johnson and Robert Norse

In Santa Cruz, the mystery isn't "who done it" but "what did he do?" On November 12, at a few minutes before 7 p.m., Santa Cruz Police Officer Conner Carey shot and killed John Calvin Dine at a downtown bus stop. John Dine, known to friends and acquaintances as "Happy John," or "Happy Hippie," or just "Happy," seems to have had in his possession a toy gun. The official version has it that Dine had been brandishing it like a real gun for a period of time prior to the shooting, and made threatening gestures with it in the moments before he was shot.

A week after the shooting, Santa Cruz District Attorney Art Danner announced that his office is satisfied that the shooting was justified, and has closed its investigation, though in conversation he has said that investigations will be reopened if new witnesses come forward.

But not everyone is satisfied with the District Attorney's conclusions. Oddly enough, among those not satisfied are some of the eyewitnesses to the shooting, who feel that their observations have been given less respect than they deserve. Certainly, the way that the story has developed since the night of the shooting raises questions. Of the eyewitnesses at the scene available to reporters for questioning, none recall John Dine brandishing an object or behaving in an aggressive way. But the DA insists that he pointed the toy gun at the police officers.

The police story begins like this: A couple of skateboarders, who have not been interviewed, are supposed to have complained that John Dine was acting in a threatening way. Ben Newman, a bouncer at the Catalyst music club, then called the police and said he thought the man was

dangerous. Newman got into the back of the police car to help them find Dine. (Although Dine was well-known to downtown denizens for his distinctive hippie-era clothing, including a paisley headband, and his habit of carrying a boombox loaded up with Beatles songs everywhere he went, neither Newman nor the two police officers in the car, Carey and Martin Over, supposedly recognized him.)

The police met Newman behind the Catalyst night club (which would put them on Cedar Street at that point), then caught up with John Dine at the bus stop at Front and Soquel Streets, where he was sitting on the bench or on the wall behind it. Newman stayed in the car, and the police officers got out and told Dine to stand and freeze (this exact wording is hard to verify as most witnesses were unable to hear what was said). Here is where stories diverge.

The original police story was that Dine threatened the officers. For most of the first week after the shooting, repeated reference was made by the police and the DA's office to a "combat stance" assumed by the victim, though the most recent statement quoted in the *Santa Cruz Sentinel* indicates that the autopsy results rule that out. The final story released by the DA could be interpreted to mean as little as that Dine moved his hand in an upwards direction. In any case, none of the witnesses — except possibly Newman — saw Dine make any motion after standing up from the bench or wall.

The victim is said to have said, "Fuck off" to the police. Officer Carey shot Dine with two shots to the middle of the body. (Witnesses say the gun was pointed at his chest; the hospital report says the wounds were in the abdomen.) Dine fell, screaming and reaching out, but fell silent and