

NOVA SCOTIA POLICE REVIEW BOARD

IN THE MATTER OF:

The *Police Act*, Chapter 31 of the *Acts* of 2004 and the Regulations made pursuant thereto

-and-

IN THE MATTER OF:

An appeal filed by **Thomas Everett**, Complainant against **Cpl. Derek Hebert** of the **Amherst Police Department**. Requesting a review of a decision made by Chief Dwayne Pike dated May 3rd, 2024.

BEFORE:

Jean McKenna, Chair
Hon. Simon J. MacDonald, Vice-Chair
Darlene Bowie, Board Member

COUNSEL:

Thomas Everett, Self-Represented
James Giacomantonio, Counsel for Cpl. Derek Hebert
Aaron Connolly, Counsel for Amherst Police Department

HEARING DATE:

March 31st - April 1st, 2025

DECISION DATE:

August 8th, 2025

[1] This decision relates to the complaint of Thomas Everett, in relation to an interaction with Cpl. Derek Hebert, of the Amherst Police Department (APD) on July 24th, 2023. Mr. Everett also complains in relation to what he argues was 'stalking' behavior by Cpl. Hebert, on June 14th, 2023.

[2] Mr. Everett is a resident of Amherst Nova Scotia, and at the time of his complaint he was living at 25 Mission Street.

[3] Cpl. Hebert has been a member of APD since his graduation from the Atlantic Police Academy in 2009.

[4] As background to the complaints, Mr. Everett argues that Cpl. Hebert characterised him as a 'cop hater', arising out of Everett's possible involvement in some sort of citizen protest at the Nova Scotia / New Brunswick border in 2022.

[5] There was no evidence as to the nature of the protest, or whether Mr. Everett was in some way involved. Apparently the RCMP had planned to be present at the protest, and in that capacity, contacted APD, advising them that they might call upon them for support if necessary.

[6] The RCMP mentioned Mr. Everett's possible presence to the APD. This was circulated within the department at the time, and Cpl. Hebert was aware of it, and at some point, heard the expression 'cop hater' describing Mr. Everett. He testified that he had never met him before, but knew where he lived, and what he looked like.

[7] There was no evidence regarding whatever role Mr. Everett may have played in the protest, or if he even attended. There was no evidence that Cpl. Hebert had any involvement in any capacity at the protest.

[8] Cpl. Hebert testified that he had never met Mr. Everett, did not know Mr. Everett, and had never dealt with him in the past. Mr. Everett thought Cpl. Hebert had given him a ticket a number of years ago previously.

[9] On July 24th, 2023, Cpl. Hebert left APD headquarters, in response to a request for back up assistance for a traffic stop. When he arrived at the scene, and spoke to the involved officer, it was clear that no back up was required.

[10] Cpl. Hebert testified that during the short time he was at the scene, Mr. Everett drove by, travelling in the opposite direction. According to Cpl. Hebert, Mr. Everett slowed his vehicle as he proceeded by, then sped up, loudly revving his engine (with a loud, after market muffler, designed for noise) and ‘chirped’ his tires as he continued on his way. He said that it caught the attention of a couple walking by on the sidewalk. Cpl. Hebert also testified that the acceleration posed risk to a vehicle ahead of Mr. Everett.

[11] Mr. Everett denies that he ‘chirped’ his tires, although he agrees that he slowed, then sped up, and that his truck is equipped with a loud, after market muffler.

[12] Cpl. Hebert turned and followed, activating his lights and conducting a traffic stop on Mr. Everett’s vehicle.

[13] Portions of the traffic stop were recorded on the dashcam in the police vehicle. As well, Mr. Everett's wife recorded the interaction on a phone, which was intentionally live streaming the events to some Facebook group.

[14] At the stop, Cpl. Hebert exited his vehicle, then briefly returned to retrieve something. While there, he took a drink from a takeout beverage. Mr. Everett honked his horn and waved

impatiently out his window for Cpl. Hebert to get out. Mr. Everett then got out of his truck, and started walking back towards Cpl. Hebert. He is told to return to his vehicle, which he does.

[15] Cpl. Hebert then spoke to him, through the open, driver's side window, and as is the norm, asks for his licence, insurance, and registration.

[16] Mr. Everett then handed a plastic envelope containing the documents to Cpl. Hebert, but he was asked to remove the documents from the envelope first. Cpl. Hebert testified that this is standard practice, to avoid accusations that an officer may have, for example, removed something valuable from an envelope.

[17] Mr. Everett declined to do so, several times, and so Cpl. Hebert, remaining by Everett's truck, removed the documents one at a time, and then tossed them back into Mr. Everett's lap.

[18] In his evidence, Mr. Everett initially denied being asked to remove the documents, but at the conclusion of his cross examination, testified that "It was his (Cpl. Hebert's) fucking job to take them out."

[19] Cpl. Hebert then issued a ticket, and the traffic stop concludes.

[20] There was no audio to accompany the videos of the interaction, but throughout, both individuals are smiling, although perhaps sarcastically. There was no overt aggressive, or angry, behavior visible by either Cpl. Hebert or Mr. Everett.

[21] The tossing of the documents back into Mr. Everett's truck, which may have been born out of frustration, does not amount to conduct that could be considered a disciplinary violation.

[22] We also have to bear in mind that Mr. Everett was live streaming the interaction, making this something of a performance piece, intended for an audience in a Facebook world.

[23] From the perspective of Mr. Everett, the earlier incident of June 14th, 2023, was 'stalking' by Cpl. Hebert; he relates this to the idea that Cpl. Hebert saw him as a 'cop hater' and had carried that concept since the time of a protest in 2022 at the New Brunswick / Nova Scotia border.

[24] In the June event, Cpl. Hebert says that he was patrolling on Mission Street, and other streets in the neighborhood, looking for an individual who was the subject of an outstanding arrest warrant.

[25] As he proceeded along Mission Street, he noticed a social gathering of people in the backyard of the unit adjoining Mr. Everett's duplex unit. As he continued past the residences, he testified that he thought he heard a person calling out to him. He reversed, and video evidence shows a woman quickly coming from the Everett side of the building, shouting at him.

[26] She was angry about a traffic ticket that he had issued to her, saying that he had reported the ticket matter to her social worker. There was little interaction between Cpl. Hebert and the woman, and none with Mr. Everett who was apparently part of the social gathering.

[27] Cpl. Hebert then drove on to continue his search.

[28] Cpl. Hebert testified that he located the subject of his search a short time later in the neighbourhood.

[29] Although there was no interaction between Mr. Everett and Cpl. Hebert at the time, Mr. Everett argues that even if he didn't interact with Cpl. Hebert in this case, the mere presence of Cpl. Hebert was improper, and was part of the 'stalking'.

[30] While Mr. Everett sees his minor (if any) involvement in a citizen protest in 2022 as making him a target, and subject to surveillance by APD, we disagree. There is no evidence that Mr. Everett had any prior involvement with the criminal justice system, or otherwise with APD. It seems very highly unlikely that Cpl. Hebert, or the APD, would have any interest in the activities of Thomas Everett. He hardly seems to be a crime figure, or even a 'serial protester', if a protester at all.

[31] We reject any possibility of Cpl. Hebert targeting Thomas Everett.

[32] As pointed out by counsel for Cpl. Hebert, a police officer does not require any reason *per se* to patrol an area within the boundaries of their jurisdiction. Amherst is a relatively small town. It would be difficult, or even improper, to try to avoid any particular areas.

[33] In this case, Cpl. Hebert had a valid reason to be on Mission Street. But even if we reject that reason, he had no interaction whatsoever with Mr. Everett. Unless another irate citizen had attracted Cpl. Hebert's attention briefly, he would not even have reversed and stopped. We completely reject the concept that Cpl. Hebert was stalking him. There is no foundation for the June 14th, 2023, complaint.

[33] We also find that there was no misconduct relating to the July 24th interaction, and again, we reject any suggestion that there was any targeting of Mr. Everett underlying that event. It was within Cpl. Hebert's discretion to respond to the actions of Mr. Everett on that occasion by issuing a ticket.

[34] The complaints are dismissed without costs.

Dated in Halifax, Nova Scotia, this 8th day of August, 2025.

ORIGINAL SIGNED

Jean McKenna, Chair

ORIGINAL SIGNED

Simon MacDonald, Vice-Chair

ORIGINAL SIGNED

Darlene Bowie, Member