

MEMORANDUM

To: Joseph J. Khan, District Attorney
From: Brendan W. Flynn, Chief of Staff and Chief Deputy District Attorney
Date: August 3, 2026
Re: The Police Response to the Events in Quakertown Borough on February 20, 2026

On February 20, 2026, students in Quakertown assembled with the intention of conducting a peaceful protest. This protest was one of many across the country, including in Bucks County, where there was a plan for students to peacefully protest ICE while local police stood by to protect their safety. While so many other protests remained peaceful until the end, this one ended in violence, with at least four students and three police officers reporting injuries.

That day, the Quakertown Borough Police Department (QPD) arrested five juveniles in connection with the assault on Chief of Police Scott McElree, who was seriously injured during the clash. Based on the recommendations and allegations of QPD, these juveniles were charged with Aggravated Assault and other offenses. Upon closer review of all of the evidence, our Office dismissed the most serious charges against most of the juveniles and ultimately diverted all five of them towards having these cases expunged from their records. QPD later submitted to our Office a subsequent request to prosecute additional juveniles who were alleged to have assaulted Chief McElree but who were not arrested that day. Our Office ultimately declined this request and did not authorize any additional prosecutions in connection with the assault of Chief McElree.¹

Separately, QPD asked this Office to review their department's response to the protest, given that their highest ranking official, Chief McElree (who also serves as Borough Manager), played a major role in this use-of-force incident. Attorneys for the juveniles asked our Office to review serious allegations about Chief McElree's conduct on February 20. Thus, we conducted an extensive and wide-ranging investigation into all of these issues. As set forth below, we do not find evidence to support these allegations or any other grounds for bringing further criminal prosecutions. This Memorandum lays out our factual findings, legal analysis and recommendations for next steps.

JURISDICTION AND PROCEDURE

When a law enforcement agency refers a matter pertaining to the actions of one of its members for investigation to this Office, our authority and responsibility is to determine whether

¹ I was not involved in any of these decisions. To ensure the integrity and independence of our investigation into the QPD response, I had no role whatsoever relating to any decisions about the charging, prosecution, or disposition of juveniles involved in the Quakertown protest. The prosecutor and staff handling the juvenile matters reported up to First Assistant District Attorney Kristin McElroy. The prosecutor and detectives investigating the QPD reported up to me as Chief of Staff and Chief Deputy District Attorney. As you know, First Assistant McElroy and I both report directly to you.

our Office can and should bring a prosecution of criminal charges.² This Office does not have jurisdiction or control over the hiring, firing, or other personnel determinations of outside law enforcement agencies.

Of all the referrals of this type that our administration has received from law enforcement agencies, this investigation has proven to be the most time-consuming and challenging.³ To be clear, the events of February 20 were chaotic and involved numerous people who were not interviewed at the scene. Our Detectives were tasked with determining who witnessed the February 20 incident and which of these potential witnesses might have information which would help the investigation. Between February 21 and July 27, our Office conducted 22 interviews of civilian witnesses as well as 6 interviews of members of law enforcement. Because of the high-profile nature of this case, all of these steps were taken as our Office received thousands of messages from concerned members of the public, requiring our Detectives to sort through countless communications to separate actual leads from gossip and opinion. Similarly, we had to reconcile important discrepancies between QPD's original reports and the new information uncovered by our investigation. Thus, our Office was tasked with having to sort out the issues with the five juvenile prosecutions we received⁴ while simultaneously having to investigate police officers who would be called as witnesses in those prosecutions. Although we established systems to ensure that both of these functions could be executed independently and with integrity,⁵ these safeguards sometimes caused the pace of information sharing to move more slowly than desired.

Unlike other referrals we have received, several of the officers in question in the instant matter were not wearing body-worn cameras (BWC) at the time of the incident. Accordingly, this Office's investigation was heavily reliant on footage taken by civilian bystanders, much of which was posted online in edited, truncated, or low-quality versions. Multiple times, this Office requested and received assistance from the public in obtaining footage. Our County Detectives worked diligently to obtain the original footage from the individuals who originally recorded them and then authenticate videos and images to ensure we had original and unaltered versions. This sometimes required our Detectives to spend time chasing down rumors of videos that did

² District Attorneys also have the power to utilize investigating grand juries to release reports which provide vital information in order to better protect the public. When this investigation was assigned to us, however, the investigating grand jury convened during the last administration had expired and our Court of Common Pleas had not yet convened a new investigating grand jury.

³ Between February 21 and March 31 of this year, our Special Investigations Unit received three such referrals from law enforcement agencies, including this one. The other two referrals involved conduct in which law enforcement camera equipment recorded most or all of the conduct that we needed to review. One investigation was completed in under 3 months, with the official in question being cleared of any wrongdoing, and the other investigation was completed in under 4 months, with the official in question being charged with official oppression and other crimes.

⁴ This Office's juvenile prosecutor (who reports to the First Assistant District Attorney and was siloed off of the use-of-force investigation, which was overseen by me), pored over the evidence submitted by the Quakertown Police and determined that certain of the charges were not supported by sufficient evidence, as there was no evidence that Juvenile 1 assaulted anyone, nor was there sufficient evidence showing that certain other juveniles knew Chief McElree was a member of the protected class for which F2 Aggravated Assault protects.

⁵ You tasked our County Detectives to conduct an investigation, to be directed by Deputy District Attorney Megan Stricker in our Office's newly-expanded Special Investigations Unit (SIU), who reports to me. We also ensured that none of the investigators and attorneys assigned to our investigation were actively working cases with QPD or had previously been employed alongside their members.

not exist. We obtained the final distinct video, depicting new angles of incidents depicted in other previously obtained videos, on July 9, 2026.

The Office also reviewed other, competing assessments of the events of February 20, 2026. We reviewed the after-action review of the Police Chiefs' Association of Bucks County dated April 8, 2026 and supplemented April 13, 2026, as well as a statement that the Quakertown Borough Council released on May 8, 2026. We reviewed materials from attorneys from the juveniles charged in delinquency court, including a letter alleging that McElree was engaged as a counter-protestor rather than a police officer⁶ and an investigative report that alleged that McElree utilized a choke hold against one of the juveniles. We asked the five juveniles to give voluntary statements after their delinquency cases were resolved. With their attorneys present, nearly all of the juveniles provided interviews to our Detectives, the last of which took place on July 27, 2026.

Finally, we retained an outside use-of-force expert 1) to provide an independent determination as to whether McElree exceeded the limits of permissible force and 2) to testify as an expert witness in the event of a prosecution against McElree. We engaged Steve Nolan, a consultant and instructor in use-of-force analysis, review and training who has been available as an expert witness and consultant to municipalities, prosecutors, and defendants. Nolan, who previously spent 23 years as an internal affairs investigator with the Philadelphia Police Department, was not otherwise involved with this investigation and has never been employed by any Bucks County law enforcement agency. Following his review of the evidence received from our Office, Nolan provided us an official report on August 2, 2026.

FACTUAL FINDINGS

Background

In January 2026, the nation watched in shock as unarmed civilians were killed on the streets of Minneapolis by law enforcement agents. In separate incidents, Renee Good and Alex Pretti were shot by federal agents from Immigration and Customs Enforcement (ICE) and U.S. Customs and Border Protection. In Bucks County, the recoil was especially strong among young people. From Bensalem to Pennsbury to Pennridge and beyond, students took action to protest the actions of ICE. In each instance, the school administration permitted the protest (or at least did not threaten protestors with suspension), the protests were conducted peacefully, and local police officers kept the peace without incident. High school students at Quakertown Community High School (QCHS) planned a similar protest for February 20, 2026.

Concerns about threats to the protestors

Quakertown Police Officer Robert Lee, who served as the School Resource Officer (SRO) at QCHS, received reports that this protest was going to be taking place, and that the

⁶ The letter also called on our office to recuse itself from this investigation, insisting that these dual responsibilities created a conflict of interest warranting a referral to the Pennsylvania Office of the Attorney General (OAG). By this time, however, we had already consulted OAG, which concluded that no conflict of interest existed. OAG further determined that, given the precautions that we instituted to ensure the integrity of this investigation, our Office was the appropriate authority to handle this case.

school intended to permit it to take place on school grounds. Two Safe2Say tips were made indicating that an anti-ICE walk-out protest would take place on Friday, February 20. School administrators met with student organizers regarding the protest. The protest was supposed to take place in front of the school, facing Park Avenue, and included places for both anti-ICE protestors and pro-ICE counter-protestors.

On February 18, SRO Lee met with Chief McElree and Lieutenant Josh Mallery. SRO Lee sought and obtained permission from Chief McElree to close Park Avenue between 5th and 6th Streets (in front of the school), for what SRO Lee cited as safety reasons related to potential counter-protestors seeking to disrupt the protest. Additionally, during planning discussions, school administration advised that the only circumstance under which the event would be canceled would be if a threat against students was received.

A threat is received and the school cancels the protest

Thus, the school administration planned to allow students to leave class and stand out in front of the school (while marking them as cutting class) and the Quakertown Borough Police Department made plans to keep the peace. At the last minute, however, the school administration attempted to cancel the protest after a reported threat to the students, and refused the students' request to hold the protest in an alternate location within the school. The lead up to this cancellation was as follows.

At 9:02 pm the evening of February 19, a third Safe2Say report was submitted regarding the planned protest, indicating that "somebody threatened to bring a gun to school due to ICE protesting on 2/20." That evening, SRO Lee conducted a conference call with school administrators, including the acting school district superintendent Lisa Hoffman and acting QCHS principal Jason Magditch, and the decision was made to cancel the protest.⁷

On the morning of February 20, 2026, acting principal Magditch sent out an email to parents, teachers, and students indicating that the protest was cancelled and also met with student organizers to inform them of the cancellation. According to an interview of one of the student protestors as well as SRO Lee, students requested that a protest be permitted at an alternate location within the school such as the gymnasium or rear parking lot, but school administration denied this request.

The protest takes place despite the cancellation

Despite the cancellation, some students expressed their intention to proceed with the protest. School administration advised students that leaving the building would result in suspension, and attempted to prevent students from leaving the school at the previously-scheduled time of 11:30 am. While the school's efforts deterred some students from participating in the protest, they did not stop the protest but rather made some its participants – who were outraged by the actions of their government – even more animated. Unlike protests in Pennridge and elsewhere in Bucks County, the students who chose to walk out of QCHS were the ones who were willing to do so in spite of the threat of suspension. This group was also not constrained, as

⁷ According to SRO Lee's statement to County Detectives, Dr. Hoffman indicated that the protest should be cancelled in response to the threat, and no one on the call expressed any disagreement with this determination.

other protests had been, to stay within a specific location in or near the school, which led the protest to spill onto the streets of Quakertown. As these students left their school, they were joined by other teenagers who were simply skipping school that day, including teenagers who were not even students at QCHS. This group of 30-40 students were taunted by counter-protestors in pickup trucks who repeatedly provoked them with offensive language and sounds.

Based on the evolving situation, the Quakertown Police was required to quickly adapt its existing plan to the changed circumstances, deploying three senior members of the agency to trail the protestors in unmarked vehicles to monitor the situation, with the stated goal of keeping the protestors safe. The three senior members were Lieutenant Mallery, operating a unmarked Ram pickup truck; Chief McElree in plain clothes, operating an unmarked white Ford Explorer; and Detective Sergeant Grill, operating an unmarked gray Ford Explorer. None of the three senior members had a BWC nor were any of them in full uniform.⁸ A patrol squad, all in full uniform and equipped with BWC, was staged at Quakertown Fire Company, Station 17, approximately two blocks north of QCHS.

The protestors are accosted by counter-protestors

SRO Lee observed multiple pickup trucks staged adjacent to the school, apparently occupied by students, which began following the students who had walked out of school.⁹ Both groups of students used profanity and other expressive language to convey opposing viewpoints. The pedestrian anti-ICE protestors were carrying handmade signs, carrying flags of various nations, and shouted various anti-ICE slogans. Various counter-protestors in the pickup trucks yelled bigoted slurs and phrases such as “deport them” while blasting loud horns and periodically revving their engines.

The protestors walked on the sidewalks north on S. 6th Street to W. Broad Street, took a right on Broad, walking eastbound on the south sidewalk, before crossing Broad at 4th Street. After the students crossed Broad, a female protestor with a Salvadoran flag around her shoulders, identified in this Memorandum as Juvenile 1, appeared to have a brief interaction with Chief McElree, who was sitting in his unmarked white SUV southbound on 4th Street at its intersection with Broad.¹⁰

⁸ Lt. Mallery and Det. Sgt. Grill were wearing attire which allowed them to be identifiable as police officers. McElree was not.

⁹ Investigators later determined the identities of some of the occupants of the pickup trucks and subsequently interviewed five of them, all students who attended other schools (not QCHS), most of whom attended the Upper Bucks County Technical School in the afternoon. These students indicated they wished to express pro-ICE sentiment, with one of the students interviewed indicating that they “didn’t go to cause harm” in following the anti-ICE protestors but went to “mess with them.”

¹⁰ Chief McElree in his police report indicated that at this point he “identified myself as police and asked them to stay off the street and stay on the sidewalk for their safety. They responded to me by using obscenities and made disparaging remarks about the police.” The surveillance video which captured this moment indicated that there was a brief interaction but has no sound; Lt Mallery indicated that the Chief had told him immediately after the interaction that he “told her to get out of the road.” A student protestor, in an interview with County Detectives, observed the interaction between Juvenile 1 and Chief McElree. She observed McElree (who the witness did not realize was a police officer) sitting in an SUV and asking Juvenile 1, “hey, can you stay out of the streets for me,” to which Juvenile 1 responded, “hey, fuck you.”

The protestors then walked northbound on 4th Street before crossing through the parking lot of Village Shopping Center at 300 West Broad Street. They walked through the parking lot (with the same pickup trucks present again, honking), returned to W. Broad Street, this time on the north sidewalk, and proceeded eastbound. They crossed the railroad tracks onto E. Broad Street, crossing the street to the south sidewalk and stopped in front of the Trolley Barn Public Market located at 116 E. Broad Street. Surveillance footage (with sound) indicates that a red Ford pickup truck and a white Chevrolet pickup truck (two of the same pickup trucks observed earlier) were stopped on E. Broad Street at this location, and the anti-ICE protestors yelled back and forth with the teenaged males in the pickup trucks (with a male in the red pickup yelling “deport ‘em”). A female protestor identified in this Memorandum as Juvenile 5 exchanged words with the people in the white Chevy before punching the white Chevy’s passenger side-view mirror and twice kicking the passenger door of the white Chevy. The pickup trucks drove off, and the protestors congregated in front of the Trolley Barn, as Det. Sgt. Grill (directly behind the white Chevy) parked his unmarked SUV and remained in the vehicle. At this point, Juvenile 1 entered the roadway, holding her sign up as traffic passed by close to her. After a minute and a half, two other pickup trucks, a blue Chevy and a silver Ford, pulled up, honked, and revved their engines. As the trucks started to pull away, a male protestor threw a snowball¹¹ at the blue Chevy.

Just after the snowball was thrown, Lt. Mallery, wearing a polo shirt with an embroidered Quakertown Police emblem and displaying his badge and duty weapon, approached on foot from the east and instructed the protestors to get out of the street. The protestors exited the roadway and Lt. Mallery had a verbal exchange with the male protestor who had thrown the snowball,¹² as Det. Sgt. Grill, wearing a black jacket embroidered with the Quakertown Police emblem and a vest that said POLICE, exited his vehicle and walked towards Lt. Mallery. Det. Sgt. Grill appeared to have a brief verbal exchange with Juvenile 5 at this time.

As the protestors began moving back in the direction they had come from on E. Broad Street, Juvenile 1 yelled at Lt. Mallery and Det. Sgt. Grill that they did not care about her rights, before stating “you guys don’t give a fuck about us, we don’t give a fuck about you guys.” Video later recovered from YouTube indicated that at this time, some protestors expressed disapproval of the protestor throwing ice or snow and indicating that they wanted the protest to remain peaceful, before continuing to chant “fuck ICE.”

The protestors crossed back across the railroad tracks before turning left onto Front Street, crossing the street to walk on the southwest sidewalk of the street. At this time, many of the protestors were on the sidewalk, while four protestors walked in the street as traffic attempted to get by: Juvenile 1, another female protestor identified here as Juvenile 2,¹³ and two other

¹¹ What the male protestor threw has been variously described as an “iceball, an “ice/snowball”, “ice”, and a “snowball” by various observers. The video depicts the male reaching down towards the curb and picking up what appears to be relatively hard-packed snow, possibly mixed with ice, on the sidewalk under benches, and then throwing what he had collected off-camera, apparently directed at one of the counter-protestor pickup trucks.

¹² Lt. Mallery indicated that the teenaged male who threw the snowball was compliant and “didn’t lip back at all.”

¹³ As discussed below, it appears that McElree may have mistaken Juvenile 2 (who wore a Puerto Rican flag around her shoulders) for Juvenile 1 (who wore the flag of El Salvador around her shoulders) that day.

protestors. The protestors came back onto the sidewalk as they walked down Front Street towards Sunday's Deli and Restaurant, but then Juvenile 1 and others re-entered the roadway.¹⁴

QPD attempts to arrest Juvenile 1

At this point, as the protest reached the sidewalk in front of Sunday's Deli and Restaurant, near the corner of Front and Juniper Streets, Lt. Mallery arrived, briefly grabbed Juvenile 1's arm before she pulled away, and began telling Juvenile 1 that she wasn't going anywhere. According to Lt. Mallery, he intended to arrest Juvenile 1 for Disorderly Conduct and Obstructing Highways in order to remove her from the crowd.¹⁵ Protestors started arguing with Lt. Mallery, and Lt. Mallery said that she didn't need to be in the street, before reiterating that she wasn't going anywhere. Chief McElree's unmarked SUV arrived at this point with lights and sirens activated. Lt. Mallery gestured in the direction of Juvenile 1, and Det. Sgt. Grill walked up and stood next to Mallery.

McElree enters the fray

Just after this, Chief McElree, dressed in a tan quarter-zip sweater, blue khaki pants, a brown belt, and no visible badge or service weapon, quickly entered the crowd, headed in the direction of Juvenile 1. Videos of the encounter do not indicate that Chief McElree audibly identified himself as the Chief of Police or as a member of law enforcement,¹⁶ and McElree did not display any badge or other indication he was a police officer. As he moved through the crowd, Chief McElree grabbed a male juvenile identified here as Juvenile 3 by the arm (who appeared to be standing in front of Juvenile 1).

Juvenile 3, Juvenile 4, and others strike McElree

Juvenile 3 immediately started repeatedly striking McElree with his cell phone. Other protestors also started striking McElree, including a male identified here as Juvenile 4, who was pulled off of McElree by Det. Sgt. Grill and restrained.¹⁷

After Det. Sgt. Grill pulled Juvenile 4 off McElree, the Chief was knocked to the ground by other protestors. McElree, his sweater riding up, exposing his midsection, then returned to his feet, briefly holding onto the end of the Puerto Rican flag Juvenile 2 was wearing as a cape. It is

¹⁴ According to his interview, Lt. Mallery had another brief interaction with Juvenile 1 when she was mid-block on Front Street in which he again instructed her to get off the street.

¹⁵ Lt. Mallery also indicated in his interview that he had a conversation by cell phone with Chief McElree prior to this point in which they discussed arresting Juvenile 1, as she appeared to be encouraging other protestors to enter the roadway.

¹⁶ Chief McElree indicated in his report that "I verbally identified myself as police and said step aside." However, no video evidence corroborates this, and multiple witnesses indicated that they did not know he was a member of law enforcement.

¹⁷ In his report, Det. Sgt. Grill indicated that when he informed Juvenile 4 that he had just punched the Chief of Police. Juvenile 4 responded with apparent shock that McElree was the Chief of Police and immediately became compliant with Grill. This reaction was consistent with other student protestors who were unaware that McElree was a police officer until after uniformed officers arrived to assist him.

not clear if McElree was using the cape as an aid to get his balance or was trying to pull Juvenile 2 closer to him as she attempted to back away.

McElree attempts to apprehend Juvenile 2, and Juvenile 5 and others strike McElree

Juvenile 2 had her right hand on Chief McElree's shoulder as McElree attempted to grab Juvenile 2. At this point, Officer McTear, a uniformed officer equipped with BWC, arrived. Juvenile 2 pulled her arm off Chief McElree's shoulder and swung her arm at Officer McTear while yelling "get off me!" Officer McTear then quickly engaged with Juvenile 3, who was attempting to prevent Lt. Mallery from arresting Juvenile 1.¹⁸

Chief McElree then put his right arm around the neck of Juvenile 2. Juvenile 2 tried to pull Chief McElree's arm off of her, and other protestors, including Juvenile 5, struck McElree in the head with their fists. McElree and Juvenile 2 then both went to the ground. We do not have full video coverage of everything that occurred in these moments, but based on what we have obtained, we observed 7 seconds of footage that begins with McElree putting his arm around Juvenile 2's neck and concluding with them both falling to the ground with McElree's arm still around Juvenile 2's neck, and an additional 1-2 seconds in which Chief McElree had his arm around Juvenile 2's neck while they were on the ground. Chief McElree and Juvenile 2 continued to struggle on the ground as Juvenile 5 and others struck and kicked McElree and attempted to pull them apart. An adult bystander who had been dining at Sunday's, identified here as Adult 1, pulled Chief McElree off Juvenile 2 and bear hugged him from behind as Chief McElree was bleeding from the face.¹⁹ Juvenile 2 regained her feet and forcefully threw her backpack at the Chief's head.

McElree again attempts to arrest Juvenile 1, and Juvenile 5 strikes McElree in response

Chief McElree stood up again, his face bloody. Chief McElree then grabbed Juvenile 1's left shoulder as Lt. Mallery held Juvenile 1's right arm. Chief McElree moved behind Juvenile 1 and held both of Juvenile 1's shoulders, still assisted by Lt. Mallery. Juvenile 5 approached, yelling at Chief McElree. Juvenile 5 struck McElree in the chin and immediately thereafter McElree struck Juvenile 5 in the face, knocking her down and falling down on top of her. Adult 1 again intervened, pulling McElree off Juvenile 5.

By this point, multiple uniformed police officers had arrived. Juveniles 1, 2, 3, 4, and 5 were placed in custody, as was Adult 1. Other students who had struck McElree left without being arrested. As a result of the incident, Juvenile 3 sustained a laceration to the chin but refused treatment, Juvenile 4 sustained a scratch just under his eye but ultimately refused treatment, Juvenile 5 sustained a laceration to her face which was treated with medical glue at the hospital, and Juvenile 1 complained of a bloody finger which was addressed with a small

¹⁸ Juvenile 3 put up significant resistance against Officer McTear and SRO Lee, who were both in full uniform. According to Officer McTear in an interview with County Detectives (corroborated by his BWC and other video), after Officer McTear pushed Juvenile 3 off Lt. Mallery, Juvenile 3 struck McTear with a kick to his knee and an open palm strike to McTear's torso. Officer McTear brought Juvenile 3 to the ground. Juvenile 3 then refused to give his right hand to Officer McTear. Officer McTear and SRO Lee, who had also responded, were successful in putting cuffs on Juvenile 3, but were ultimately required to lift Juvenile 3's dead weight and carry him to the rear of a police vehicle. Both officers later reported minor injuries, as set forth below.

¹⁹ Adult 1 indicated, in interviews with the Quakertown Police and the County Detectives, that he was not aware at the time that McElree was the chief of police and Adult 1's intention was to break up the fight.

bandage. SRO Lee reported a lower back strain from lifting Juvenile 3 while he resisted, and Officer McTear reported right knee pain due to Juvenile 3 kicking him. Chief McElree was treated at the hospital after sustaining a concussion, three broken ribs, pneumothorax (a collapsed lung), and a lacerated ear.

Each of the five juveniles were charged with Aggravated Assault and related charges, and due to the nature of the original charges, were held in juvenile custody for at least five days.²⁰ (Adult 1 was released without charges). Ultimately, each of the five juvenile cases were resolved through diversion towards having their records expunged. Months later, QPD recommended filing new delinquency petitions against additional juveniles who allegedly assaulted McElree but were not arrested that day. Upon a review of the evidence, our Office declined to authorize any additional arrests or prosecutions of other juveniles involved in the February 20 protest.

LEGAL ANALYSIS

The primary focus of our investigation into the QPD's response was whether McElree exceeded the legal limitations on force that he was authorized to use. Based on the following application of the law to the available evidence, McElree's use of force did not exceed the legal limits under Pennsylvania law. Accordingly, we do not have a basis for a criminal prosecution against him.

Use of Force

Use of Force Generally

Any prosecution relating to a police officer's use of force during the course of an arrest would be constrained by the "peace officer justification" set forth in 18 Pa.C.S. § 508. This statutory defense to criminal prosecution establishes that a law enforcement officer "is justified in the use of any force which he believes to be necessary to effect the arrest and of any force which he believes to be necessary to defend himself or another from bodily harm while making the arrest." 18 Pa.C.S. 508 (a). A review of this use of force must be measured against the "objective reasonableness" test established by the U.S. Supreme Court:

The test of reasonableness is not capable of precise definition or mechanical application[.] . . . The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight. . . . The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments—in circumstances that are tense, uncertain and rapidly evolving—about the amount of force that is necessary in a particular situation.

²⁰ Our juvenile court coordinator, Assistant District Attorney Jessica Frost, was assigned to these matters on the afternoon of Friday, February 20, and worked throughout the night and weekend to determine whether any of the juveniles could be released from custody but could not arrange for any hearings to be scheduled due to courts being closed for the weekend and then inclement weather. The following week, she was able to work with the Juvenile Probation Office and counsel for the juveniles to agree to the juveniles' release from custody.

Graham v. Connor, 490 U.S. 386, 396-97 (1989). See also Commonwealth v. Pownall, 673 Pa. 271, 305, 278 A.3d 885, 905 (2022) (applying objective reasonableness principles of Graham to Pennsylvania criminal law).

The Pennsylvania Supreme Court has clarified that Section 508 essentially renders force by police during an arrest to be non-criminal in nature, even if the actions would be criminal if taken by civilians. Pownall, 673 Pa. at 303. Courts have repeatedly demonstrated deference to police officers' judgment in these matters, indicating that "a threat that may seem insignificant to us in the security of our chambers may appear more substantial to a reasonable officer whose own life or safety is at stake." Mellott v. Heemer, 161 F.3d 117, 122 (3d Cir. 1998). There is no question that McElree would be entitled to argue this defense, which places the burden on the Commonwealth to disprove the defense beyond a reasonable doubt. See, e.g., Pa. Sugg. Std. Jury Inst. (Crim), § 9.508D (2024).

Based on the evidence gathered in our investigation, the Commonwealth could not meet the burden of disproving this defense beyond a reasonable doubt. It is clear that after he and other police officers observed Juvenile 1 blocking traffic after being asked to stop doing so, McElree attempted to stop or arrest Juvenile 1 for Obstructing Highways and Disorderly Conduct. It is less clear why McElree took this action when it required entering an agitated crowd of teenaged protesters without handcuffs, a uniform or even a visible badge. In fact, Lt. Mallery told our investigators that after he communicated information about Juvenile 1 to McElree and Det. Sgt. Grill, he expected that these three supervisors would wait for uniformed officers to arrive.²¹ As Police Chief, McElree outranked Mallery, and had the authority to proceed as he did. This fateful decision was immediately met with confusion about McElree's identity and intentions, followed by violence in the streets which divided the community while creating a "fog of war" for everyone caught in the chaos.

Interviews conducted by County Detectives have revealed that, when McElree first charged into the crowd, protestors and observers believed he was a counter-protestor or vigilante, with few if any protestors immediately recognizing him as a police officer (let alone the Chief of Police).²² Thus, students who acted solely to defend themselves or others from someone they perceived to be a violent criminal could not be guilty of violating 18 Pa.C.S. §2702(a)(3) (aggravated assault against police officers and other protected personnel) because they did not form the *mens rea* of intentionally or knowingly assaulting a police officer. At the same time, because McElree was acting in his capacity as a police officer, he cannot be prosecuted for using legally permissible levels of force where he believed he was affecting a lawful arrest.²³ At any

²¹ It is unclear whether Lt. Mallery articulated this expectation verbally at that time or whether he just presumed that Chief McElree understood that the arrest should be made by the uniformed officers rather than supervisors who lacked BWCs, uniforms, or both.

²² Although McElree asserts that he identified himself as a police officer both at the time he arrived at the sidewalk in front of Sundays Diner, as well as to at least some of the protestors at a different location earlier in the protest, there is no video or eyewitness evidence to corroborate that McElree ever identified himself as the Chief of Police or a member of law enforcement generally at any time during the incident in front of Sunday's Deli and Restaurant. To the contrary, interviews of students as well as an adult who intervened to break up the violence verify that none of these witnesses were initially aware that McElree was a police officer.

²³ Although some of the attorneys for the juveniles have disputed whether McElree had the authority to arrest certain juveniles, this defense would remain available to him even if he was mistaken about the legality of the arrest. See

trial, this point would be especially clear with respect to McElree's use of force later in the melee, when it had become apparent that he was a police official who was working with officers who were in uniform.

Use of Force against Juvenile 2

It is McElree's initial use of force against Juvenile 2 that has drawn the most scrutiny by our Office as well as other observers. Attorneys for certain juveniles alleged that McElree put Juvenile 2 in an illegal "choke hold"²⁴ and that this should be the basis for strangulation, assault or other criminal charges. Under the applicable legal standards, the available evidence would not sustain such a prosecution.

Our investigation was inconclusive as to exactly why McElree used force against Juvenile 2 (given that his purported goal was to arrest Juvenile 1) and why he tried to restrain Juvenile 2 by the neck (rather than the hands or wrists). McElree's reports indicate that he grabbed Juvenile 2 because he believed that Juvenile 2 had not only obstructed his efforts to arrest Juvenile 1 but also because of his belief that Juvenile 2 was "one of the female protesters who had assaulted me." There is no doubt that McElree was beaten by female juveniles nor that he suffered extensive and serious bodily injury. It is unclear, however, whether McElree was correct in identifying Juvenile 2 as one of the girls who assaulted him, if he mistook Juvenile 2 for Juvenile 1, or if he was too disoriented by the violence and chaos to distinguish one student from another. Some video footage called into question the veracity of his observations (as did the fact that McElree suffered significant trauma, including a concussion, in the course of being severely beaten). Indeed, Juvenile 2 and her legal counsel have consistently maintained that it was the Chief who assaulted Juvenile 2, not the other way around.²⁵ Given the doubts about Juvenile 2's culpability, our juvenile prosecutors dismissed charges against Juvenile 2 relating to the aggravated assault of McElree. At the same time, the paucity of evidence on this point would make it impossible to disprove McElree's claim, as required under Section 508, that he believed Juvenile 2 assaulted him before he grabbed her.²⁶

Our investigators also received conflicting assessments of McElree's force against Juvenile 2. Counsel for one juvenile submitted an extensive letter alleging, *inter alia*, that McElree "bull-rushed into a group of high-schoolers and employed a 'rear-naked choke-hold'" against Juvenile 2. Through counsel, two juveniles submitted an investigative report which stated in relevant part:

18 Pa.C.S. § 508, Official Comment (doctrine applies "even though the arrest is illegal, if the actor believes the arrest is legal").

²⁴ Numerous media accounts also use this language. See e.g. <https://whyy.org/articles/quakertown-pennsylvania-police-chief-administrative-leave-protest-chokehold/> (describing video footage as depicting McElree "placing a student in a chokehold" and "appear[ing] to choke a student at a protest.")

²⁵ See e.g. <https://whyy.org/articles/quakertown-pennsylvania-student-protesters-police-chief/> ("My client was directly choked by the chief. It was alleged that she had struck him, which she did not.")

²⁶ For example, while there is no video footage of Juvenile 2 assaulting McElree before he grabbed her, BWC footage from Officer McTear appears to show Juvenile 2 briefly swinging her arm at McTear while shouting "get off me" just before McElree first placed his arm around Juvenile 2's neck. There is also footage of Juvenile 2 throwing her backpack at McElree after he grabbed her.

Videos and images captured of McElree, and specifically and [sic] hands and arm placement around [Juvenile 2] is consistent with a “rear-naked choke hold”.

Seemingly reviewing video and images of the same incident, the Chiefs’ Association determined that McElree’s use of force was justified, stating as follows:

The single image that drew media attention showing Chief McElree on the ground with his arm around a female suspect’s upper torso/neck, appears to have been captured from a clip lasting less than two seconds. It captured a moment immediately after he had fallen to the ground, while restraining a resisting subject and did not rise to the level of an attempted chokehold.

Citing this report, a public statement from the Quakertown Borough Council added, in relevant part:

This was not a chokehold. The Chief has never applied a chokehold in his career and has never been trained on how to apply a chokehold.

While each of these submissions offered some value, they had limited utility for our ultimate charging decision. None of these documents, standing alone, fulfilled our need to apply Graham v. Connor and Section 508 to the full weight of the evidence. The report from Juvenile 2’s’ counsel did not address these legal standards, citing only to a Wikipedia page about a military chokehold as supporting authority. It was authored by a specialist in cellular forensics, who had substantial experience extracting photographs and videos from cell phones but no apparent expertise in use-of-force incidents. By contrast, the Chiefs’ Association report was issued by authors with significant expertise in use-of-force issues, but contained only limited discussion of McElree’s restraint of Juvenile 2 – raising questions as to whether the panel had access to all of the videos that our investigators were able to obtain from civilians. When viewed collectively, these videos show McElree’s arm around Juvenile 2’s neck for at least eight seconds – four times longer than the timeframe mentioned in the Chiefs’ Association report. While the Borough Council’s findings largely incorporated those of the Chiefs’ Association report, it did not cite support for its additional findings about chokeholds not being used by QPD.²⁷ Moreover, given McElree’s close relationship with the Borough Council (which employs McElree as its Manager while he also serves as Police Chief) and the Chiefs’ Association (of which he is a longtime member), many members of the community voiced their concerns about the independence of these reviews and the conclusions therein. Most significantly, each of these reports was published while we were still collecting evidence, including the interviews of juveniles who could only be interviewed after resolving the delinquency petitions that had been filed against them. Given the number of times that new information had changed our understanding of the facts in this case, it was important to ensure that we had all of the evidence before making a final assessment about possible criminal charges.

²⁷ For example, the Borough Council asserted that “QPD does not use chokeholds as a law enforcement technique.” As discussed below, at the time of this incident, however, QPD had not joined the majority of Bucks County police departments in restricting chokeholds to circumstances where deadly force is justified.

These are among the reasons that, after reviewing every interview and available video, our Office ultimately decided to engage a use-of-force expert with no personal or professional relationship with the Quakertown Borough Police Department, the Bucks County Police Chiefs' Association, or even the Bucks County District Attorney's Office. The purpose of this engagement was twofold. First, we sought a completely independent expert to opine whether McElree, although justified in using force to make an arrest, exceeded the limits of that justification through the use of deadly force.²⁸ And second, if our Office were to bring a prosecution against McElree for exceeding the legally permissible level of force, our attorneys would need to present at trial a witness who would be recognized by a judge as qualified to provide expert testimony to a jury. After receiving several recommendations from prosecutors from other counties, this Office engaged Steve Nolan, an independent use-of-force expert. As a retired investigator for the Philadelphia Police Department Internal Affairs Division who has investigated thousands of allegations of police misconduct, Nolan has sterling credentials and is widely recognized as an impartial expert on police misconduct.²⁹

After reviewing all available evidence of McElree's interactions with Juvenile 2, Nolan found that McElree acted within legal limits in his use of force. The attorneys for the charged juveniles asserted that Chief McElree's use of force with respect to Juvenile 2 was illegal. In particular, in correspondence to this Office, one of the attorneys, after characterizing what Chief McElree used on Juvenile 2 as a "rear-naked-choke-hold," asserted that the use of such a maneuver was prohibited under countywide use of force policies:

I am confident that you are well aware that the employment of such a choke-hold on someone in these circumstances is violative of the Bucks County Uniform Use of Force Policy #7 which, in relevant part, reads as follows:

***7. Suggested Policy Guidelines should include the following:
Prohibition on the use of any technique restricting the intake of oxygen
for the purpose of gaining control of a subject unless deadly force is
reasonably necessary.***

.... [McElree] made the decision to emerge from his vehicle and violently charge into the child-protesters. Immediately, he placed a 100-pound young lady in a prohibited choke hold.

²⁸ While Section 508 protects police officers who use force in the course of an arrest, it only authorizes deadly force in very limited circumstances: "when necessary to prevent death or serious bodily injury to himself or such other person"; or when the officer believes "both that: (i) such force is necessary to prevent the arrest from being defeated by resistance or escape; and (ii) the person to be arrested has committed or attempted a forcible felony or is attempting to escape and possesses a deadly weapon, or otherwise indicates that he will endanger human life or inflict serious bodily injury unless arrested without delay." 18 Pa.C.S. § 508.

²⁹ Nolan spent 23 years as an internal affairs investigator with the Philadelphia Police Department before his retirement in 2018. During his career, he conducted over 800 use-of-force investigations, arrested a number of police officers for on-duty and off-duty conduct, testified in hundreds of criminal and administrative proceedings related to police conduct, and stood up the Officer-Involved Shooting Investigation Unit, responsible for investigating all officer-involved shootings by any law enforcement officer in Philadelphia County. Since his retirement, he has served as a consultant and instructor in use-of-force analysis, review and training, and has made himself available as an expert witness and consultant to municipalities, prosecutors, and defendants.

However, although the Chiefs' Association set forth Use of Force Guidelines that all local departments pledged to follow in 2020, no such prohibition exists countywide, as the Use of Force Guidelines are merely that, guidelines, and are not binding on any individual police officer in the absence of a department policy.³⁰ Since QPD has no policy expressly limiting choke holds or other neck restraints, Nolan was unable to rely on any existing regulations which would make any of McElree's actions a *per se* violation of department policy.

Thus, because neither QPD policy nor Pennsylvania law outlaws or categorically restricts the use of chokeholds or other neck restraints,³¹ Nolan was required to evaluate the underlying question of whether McElree acted with the intent to suffocate or otherwise harm Juvenile 2. With respect to the characterization in the Investigation Report from Juvenile 2's counsel, Nolan found as follows:

this still photograph does not accurately capture the totality of Chief McElree's interaction with "Juvenile 2" and his effort to arrest her. When reviewing the video footage in its entirety (video 17 – IMG 0444) Chief McElree appears to be trying to restrain "Juvenile 2", initially while standing behind "Juvenile 2", then while falling to the ground while being punched by "Juvenile 5" and another juvenile female, and finally while on the ground being repeatedly punched and kicked by the two female juveniles. It is the opinion of the undersigned that this action by Chief McElree is not an attempt to render "Juvenile 2" unconscious by using a chokehold technique.

In finding that McElree did not attempt to render Juvenile 2 unconscious,³² Nolan's report also notes that our investigation showed no evidence that Juvenile 2 suffered any injury that would be consistent with being choked, strangled or otherwise restrained with deadly force. The report also notes that McElree had already sustained significant injuries by being struck in the head with multiple closed fist punches such that he was later diagnosed with a concussion. Even in the absence of a Section 508 defense, the nature of these injuries would be admissible to

³⁰ Indeed, the NAACP of Bucks County surveyed municipal departments and has noted the continuing lack of alignment of QPD with the 2020 Use of Force Guidelines. On June 12, 2026, the organization's President submitted a letter to our Office noting, *inter alia*, the following:

The NAACP Bucks County Branch also notes that concerns regarding policing policies and accountability in Quakertown predate the February protest. In our 2024 review of policing policies across Bucks County, we identified areas where the Quakertown Police Department's policies did not fully align with recommendations advanced by the Bucks County Police Chiefs Association, including language regarding obstruction of air passages and use-of-force guidance...

³¹ The latest iteration of an amendment to Title 53, which would require Pennsylvania law enforcement to prohibit chokeholds in their use of force policies except where deadly force is authorized, has been pending in the Senate Judiciary Committee since February 2025.

³² Nolan's report does not take a specific position on the veracity of McElree's claim that his intent in putting his arms around Juvenile 2's neck was to "protect her head when we hit the ground."

challenge whether he would have been able to form the necessary *mens rea* of intentional or knowing conduct required for prosecutions for strangulation and other assault offenses.³³

Other Conduct Reviewed

In addition to the review of the use of force of police in this matter, our investigation explored allegations and issues raised by attorneys for the juveniles and other stakeholders such as the ACLU of Pennsylvania and the NAACP of Bucks County. While the questions raised are serious and merit further dialogue with the community, we did not find evidence to support a criminal prosecution under these theories. Even though many of these claims were made publicly and reported on by various media outlets, the confidentiality required by Pennsylvania's Juvenile Act restricted our ability to address most these claims in the context of pending juvenile proceedings. With all juvenile proceedings now concluded, this memo addresses these, and other allegations, below.

Several Pennsylvania attorneys in good standing submitted to our Office allegations that McElree acted as a counter-protestor who utilized his position to stifle the juveniles' freedom of speech, effectively punishing them for their political views. The attorney for one juvenile alleged, in relevant part:

[McElree] was an angry individual triggered by the protesters and their anti-ICE cause... he was immersed in the protest from the beginning – as a counter-protester. He made the decision to emerge from his vehicle and violently charge into the child-protesters... the 'arrest' was actually an attack and, moreover, was not 'being made by a police officer.'

Within days of the incident, the legal director of the ACLU of Pennsylvania, also alleged, in relevant part:

On Friday, students in Quakertown made the decision to peacefully exercise their First Amendment rights and organize a public demonstration to protest continued and escalating abuses by ICE. By all accounts, including abundant video evidence, there were no issues at the demonstration until Quakertown police arrived and incited violence.... In abandoning his job and his mission on Friday afternoon, Chief McElree effectively was acting as a counter-protester, albeit one with the ability to arrest people.

As discussed above, McElree was legally entitled to make arrests for crimes that he observed, including disorderly conduct, obstructing the highway, and assault. However, if McElree's reason for making such arrest was to punish or prevent free speech, such conduct could violate Pennsylvania's Official Oppression law. This statute, which provides as follows:

A person acting or purporting to act in an official capacity or taking advantage of such actual or purported capacity commits a misdemeanor of the second degree if, knowing that his conduct is illegal, he:

³³ See e.g., 18 Pa.C.S. § 2718 ("A person commits the offense of strangulation if the person knowingly or intentionally impedes the breathing or circulation of the blood of another person by: (1) applying pressure to the throat or neck; or (2) blocking the nose and mouth of the person.")

(1) subjects another to arrest, detention, search, seizure, mistreatment, dispossession, assessment, lien or other infringement of personal or property rights; or

(2) denies or impedes another in the exercise or enjoyment of any right, privilege, power or immunity.

18 Pa.C.S. § 5301. Pennsylvania courts have read the “knowing his conduct is illegal” language to require bad faith on the part of a defendant, Commonwealth v. Eisemann, 308 Pa. Super. 16, 21, 453 A.2d 1045, 1048 (1982), and have stated that the “statute was broadly drafted to reach numerous situations wherein an official engages in wrongdoing while acting in his official capacity.” Commonwealth v. Checca, 341 Pa. Super. 480, 497–98, 491 A.2d 1358, 1367 (1985). While McElree’s attempted arrest may have been poorly planned and executed, our investigation uncovered no evidence that he believed his conduct was illegal or that he acted in bad faith.³⁴

First, we found no support for the claim that McElree was “immersed in the protest from the beginning – as a counter-protester.” All evidence showed that McElree was on duty that day, monitoring the protest in an unmarked vehicle as described above. Evidence that McElree had encouraged the counter-protestors and agitators who had provoked the student protestors could demonstrate the “bad faith” required by the Official Oppression statute. We found no such evidence. Our Detectives interviewed five of the individuals in the pick-up trucks who had exchanged angry words with the student protestors. These individuals, also high school students who attended schools other than QCHS, stated they had no association with the Quakertown Police or its Chief of Police. We found no evidence to undermine their credibility on this point or that would demonstrate some association with these individuals and McElree. Based on our investigation, it is possible that those alleging McElree was affiliated with the counter-protestors may have confused McElree’s vehicle with that of a counter-protestor whose pickup truck had a light bar on the top of its cab (which led at least one witness to believe that it was a police vehicle).³⁵

Second, we explored the possibility that McElree, or someone acting at his direction, was responsible for cancelling the planned protest in the first place, since SRO Lee had made McElree aware on February 18 that the only way the event would be cancelled would be if threats were received, and ultimately a threat was called in on the evening of February 19. If McElree had played any role in causing this report to be created, these facts would constitute evidence of the bad faith required under the Official Oppression statute, as well as potentially other crimes such as False Alarms to Agencies of Public Safety, 18 Pa.C.S. § 4905. For these reasons, our detectives investigated the source of the Safe2Say report which indicated that a student would be bringing a firearm to the planned protest. Ultimately, our investigators ruled out McElree as the source of this report after linking the report to an individual with no known connection to McElree or the officers under his command.

Third, we evaluated allegations that McElree used force against the protesters because of their constitutionally protected free assembly and expression. One attorney characterized

³⁴ By contrast, our Office recently utilized this statute to prosecute a Deputy Sheriff alleged to have taken naked or partially naked photographs of prisoners because he committed this misconduct when he knew it was illegal to do so.

³⁵ We learned that the presence of the light bar on the truck was likely due to the vehicle being used for plowing.

McElree as “an angry individual triggered by the protesters and their anti-ICE cause” and opined that McElree’s emails and social media activity would evince his bias against the protestors. Thus, to determine the existence of evidence of “bad faith” under 5301, we considered controversial emails that McElree sent immediately following the incident, as well as reports of TruthSocial posts from an account associated with McElree.³⁶ While these communications suggest that McElree disagreed with the political goals of the protesters, they do not establish that McElree knew that any actions he took on February 20, 2026 were illegal or that he intended his actions to infringe upon the juveniles’ rights as required under the Official Oppression statute.

Fourth, we explored concerning allegations from certain attorneys that McElree and other police officers targeted juveniles because of their race. If police officers purposely made otherwise lawful arrests because of the race or ethnicity of the offenders, that conduct would certainly constitute the “bad faith” required by the Official Oppression statute. Notwithstanding early claims that all of the juveniles arrested were members of racial or ethnic minority groups, the reality is that the five juveniles came from diverse backgrounds, some white and some nonwhite. We did not find evidence that QPD targeted these juveniles because of their racial or ethnic identity, nor can we dispute that QPD had grounds to arrest each of these juveniles. I note, however, that the three juveniles who appear to have been the most “overcharged” – that is, charged with crimes that we did not believe could be proven beyond a reasonable doubt – were those who were nonwhite. For example, although Juvenile 1 was originally charged with committing Aggravated Assault and Simple Assault against McElree, our juvenile prosecutors found no evidence that Juvenile 1 assaulted anyone and that McElree apparently mistakenly attributed another juvenile’s conduct to Juvenile 1. While these facts raise important questions to discuss with QPD, they do not support a criminal prosecution against McElree or any other member of QPD.

Finally, given the notable mistakes in the reports our Office received from QPD, we explored whether these errors would form the basis of criminal charges. If McElree had knowingly provided false information to the author of the Written Allegation, those misstatements in official documents could support a charge of Unsworn Falsification or False Reports.³⁷ However, the evidence does not demonstrate an intent on the part of McElree or anyone else to mislead the District Attorney’s Office and a consciousness that these statements were inaccurate. The available evidence points to these errors tracing back to the “fog of war” created after McElree was seriously beaten by people who did not realize he was a police officer. Given that, upon reflection, McElree acknowledged his actual or potential errors about certain facts to our juvenile prosecutors, there is no prosecutable case for Unsworn Falsification or False Reports.

³⁶ See, e.g., <https://www.phillyburbs.com/story/news/education/2026/03/31/quakertown-police-chief-scott-mcelree-emails-ice-walkout-reveal-threat-blame-board-bucks-county-rtk/89346932007/>.

³⁷ In the Crimes Code, Unsworn Falsification is defined as “[a] person commits a misdemeanor of the second degree if, with intent to mislead a public servant in performing his official function, he: (1) makes any written false statement which he does not believe to be true . . .” 18 Pa.C.S. § 4904(a). Further, subsection (b) of the same statute establishes that “[a] person commits a misdemeanor of the third degree if he makes a written false statement which he does not believe to be true, on or pursuant to a form bearing notice, authorized by law, to the effect that false statements made therein are punishable. 18 Pa.C.S. § 4904(b). The False Reports statute makes it a misdemeanor of the second degree for a person to “knowingly give[] false information to any law enforcement officer with intent to implicate another . . .”

AFTERWORD

2026 was not the first time our community recoiled at the killing of a civilian on the streets of Minneapolis. In 2020, we were horrified by video footage filmed by civilians who witnessed the murder of George Floyd by a Minneapolis Police officer placing his full weight on Floyd's neck for over nine minutes while other officers stood by and did nothing to intervene. In the aftermath, police departments across the country reviewed their use-of-force policies. That year, the Police Chiefs' Association of Bucks County worked closely with the Bucks County District Attorney's Office to develop a set of fifteen guidelines governing police use of force, including a "prohibition on the use of any technique restricting the intake of oxygen for the purpose of gaining control of a subject unless deadly force is reasonably necessary." In November of 2020, in a press conference outside the Bucks County District Attorney's Office, then-District Attorney Matt Weintraub stood with leadership from the Chiefs' Association and announced that all 39 local police departments in Bucks County would follow these fifteen use-of-force guidelines going forward.

Police departments across Bucks County then undertook the work to adopt or maintain these reforms. During this time, the NAACP of Bucks County ("NAACP") worked with the Chiefs' Association leadership and individual police departments to undertake a comprehensive review of policing in the County. Notably, the NAACP found that, several years after the November 2020 announcement, several police departments had still not amended their use-of-force policies to incorporate the fifteen use-of-force principles. According to a February 2024 report published by the NAACP, Quakertown Borough Police Department was one of the only police departments in Bucks County to report that it had still yet to adopt policies limiting techniques such as choke holds which restrict oxygen intake. On February 19, 2026 – one day before the Quakertown protest – you and I hosted leadership from the NAACP in your office to discuss the organization's priorities and concerns, including the aftermath of their 2024 report. As of that date, the Quakertown Borough Police Department still had not joined the majority of Bucks County police departments who had formally limited techniques which restrict oxygen intake. Thus, while the evidence gathered from our five-month investigation does not support a criminal prosecution against anyone in the QPD, we cannot laud its Chief of Police for following best practices. This will certainly not be the last time that the Special Investigations Unit will be called upon to review the legality of force used by a police officer in one of the 39 departments that promised reform six years ago. Given the commitments that Chief McElree made to the Chiefs' Association and our Office in 2020, it is appropriate to now ask him to immediately provide a timeline for fully implementing in Quakertown the use-of-force reforms which most Bucks County police departments have adopted since then.

The Chiefs' Association report about the Quakertown protests provides "recommendations" for the future which we (like other law enforcement leaders we have consulted) believe expose serious errors that McElree made on February 20: 1) he "was not clearly identifiable as a police officer" when engaging with a crowd of minors; 2) he did not defer to a "uniformed arrest team" to handle any arrests, and; 3) he did not wear a BWC or defer to officers wearing BWC when arrests were imminent. While we respect the authors of the Chiefs' Association report, we cannot agree with the authors' characterization of the QPD's response insofar as it relates to McElree as:

professional, coordinated, and responsive to rapidly changing conditions... demonstrat[ing] advanced planning, appropriate supervision, and a measured tactical approach that prioritized public safety while allowing students to exercise their First Amendment rights.

Given the availability of subordinate officers who were in uniform and wearing body cameras, there was no reason for the Chief of Police to engage high school students in an uncontrolled and emotionally charged environment – especially when he had neither a uniform nor a body camera. Charging after a juvenile without waiting for uniformed officers or even communicating his intentions to his subordinates does not reflect professionalism, coordination or appropriate supervision by the Chief of Police. Although McElree was legally authorized to use force, his decision to do so in the manner he chose was not a measured tactical approach that balanced public safety with First Amendment rights. It was a calamitous decision that disrupted a student protest and led to confusion and trauma for an entire community.

It is obvious that the events of February 20, 2026 have caused pain and division in the community of Quakertown. Even if the physical injuries suffered that day may have healed, the trust of the public remains in need of repair. Since that day, we have heard from countless members of the community with strong opinions about who and how our Office should prosecute cases relating to the Quakertown protest. Some have insisted that all of the juveniles arrested should be severely punished for the assault on McElree while others have insisted that all protestors were blameless and that McElree should be arrested and criminally prosecuted for his actions that day. We acknowledge the depth and sincerity of these beliefs. However, as prosecutors, we must follow the facts where they lead us and exercise discretion and judgment in accordance with the rules of professional responsibility. The truth is that while most students protested lawfully, some broke the law. While most protestors and observers did not recognize McElree as a police officer at first, a few students assaulted police officers in uniform and attacked McElree even after it should have become evident that he was with the QPD. While McElree had the legal authority to use the force he employed, his ill-advised decision to do so was the precipitating incident which led to violence outside of Sunday's Deli.

As prosecutors, we know how vitally important it is for law enforcement at all levels to work to gain and keep the trust of the people they work to protect. We recognize that some residents of Upper Bucks, particularly racial and ethnic minorities, have felt vulnerable since February, and that trust in law enforcement has frayed. Our investigation shows that the events of February 20 may have exacerbated – but did not create – a rift between certain communities and QPD. As we endeavored to listen to the stories of the juveniles, we were struck by the interview of Juvenile 4, who described a 2025 encounter with QPD in which he and other teenagers of color were stopped by a police officer. Unlike the February 20 incident, no one was arrested or physically assaulted, and yet, in Juvenile 4's words, the encounter "really shook me up." Juvenile 4 did not allege any criminal conduct by police, but he stated that he had been "scared of cops" ever since this encounter.³⁸ For young people like this, promoting healing and trust must go deeper than the events of February 20, 2026.

³⁸ Because Juvenile 4 did not allege any criminal conduct nor any direct involvement by Chief McElree, I asked our County Detectives to relay the details of this encounter to QPD for follow up.

While our Office does not have a basis for bringing new prosecutions in connection with the Quakertown protest, we have a responsibility to do our part to bridge the gap between law enforcement and the people we serve. The Mission Statement of this Office, which was adopted before you became District Attorney and is prominently displayed in the lobby of our main office in the Justice Center, proclaims that we are the “law office of the People,” and are responsible “for making our communities safer and stronger while protecting civil rights and promoting social justice.” In keeping with our mission, and as members of this community, I recommend that if this report is shared with the public that we release it along with a commitment to working with the community and QPD to listen to all voices, promote healing, and build the relationships necessary to keep our community safer and stronger.