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NEWS

Nonprofits suing Worcester over police response to mental health calls



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Key Points

The plaintiffs argue that while the city sends paramedics to help people who have been physically injured, it does not offer trained professional help for those with mental illness.

Worcester ran a pilot program pairing mental health professionals with police, but the lawsuit says the program was quietly discontinued.

The lawsuit goes on at length about allegedly inappropriate responses by Worcester police to mental illness calls, but a lawyer says it is not meant to be an indictment of the department.

(This story has been updated with additional information.)

WORCESTER – Three mental health nonprofits are suing Worcester in an effort to require the city to send mental health professionals, rather than armed police, to most mental health emergency calls.

In a 52-page federal lawsuit filed March 16, the groups argued the city’s practice of sending armed police to mental health calls violates multiple federal laws, including the Americans with Disabilities Act.

“It is not a crime to experience a mental health crisis, and the City should not respond by sending armed police to mental health emergencies,” Steven Schwartz, one of several lawyers representing the nonprofits, said in a news release announcing the lawsuit.

Schwartz's law firm, the Easthampton-based Center for Public Representation, said it considers the litigation a "landmark" case.

Schwartz, in an interview with the Telegram & Gazette, said the lawsuit is one of several nationwide that seek to challenge the widespread practice of sending armed police as the de facto response to 911 calls involving mental illness.

He said he hopes the case will result in either a settlement or a judicial ruling that could have statewide ramifications on how cities and towns handle mental health-related 911 calls.

The lawsuit argues that the practice of sending police as the primary, and often sole, responders to such calls constitutes discrimination against people with mental health disabilities.

It notes that the city routes emergency calls for people physically wounded to trained health professionals like paramedics, while, "by contrast, responding to mental health emergencies by sending armed police officers who are not qualified mental health professionals."

The lawsuit argues that public policy guidance, including from the U.S. Department of Justice, supports its view of the law, and that Worcester officials have conceded a problem in their approach by trying in the past to involve mental health professionals in their emergency response.

The city ran a pilot program in 2023 aimed at pairing police with mental health professionals. The lawsuit alleges that the program was disbanded after little success, and with no replacement.

The suit seeks to require the city to implement a 911 program that responds equally effectively to physical and mental health emergencies and "ensures that mental health professionals are the default first responders for typical mental health emergencies."

The city declined to provide immediate comment on the lawsuit, which Schwartz said the nonprofits filed after about a year of being “stonewalled” in efforts to discuss the topic.

Nonprofit groups, lawyers backing suit

The lawsuit was filed by three nonprofit groups that support people with mental health issues: the statewide and Central Massachusetts chapters of the National Alliance on Mental Illness and the Parent/Professional Advocacy League.

The National Alliance on Mental Illness is a Virginia-based nonprofit with chapters in all 50 states, while the Parent/Professional Advocacy League is a nonprofit based in Westborough that supports families with children experiencing mental health needs.

Schwartz’s Center for Public Representation, a public interest firm of about a dozen lawyers, filed the lawsuit with two other firms: the Disability Law Center, a federally mandated nonprofit tasked with protecting legal rights of people with disabilities; and Nelson Mullins, a large law firm that does pro bono work.

The nonprofits said they and their clients have suffered as a result of the alleged discriminatory 911 system.

The lawsuit, without providing names, outlined several situations in which it alleged people with mental illness were treated poorly by Worcester police.

It appeared to reference at least two publicized incidents – a case involving an autistic child that led to a [\\$250,000 settlement](#) and a one in which an [officer struck a man on a gurney after being spat upon](#) – as well as two incidents the Justice Department criticized in its 2024 pattern-or-practice inquiry into Worcester police.

In one, the Justice Department alleged police unreasonably punched a man who was showing signs of mental illness in the face; in another, it alleged they

unreasonably used pepper spray on a handcuffed suicidal man who became combative.

The lawsuit also outlined several incidents it said the nonprofits had knowledge about, including one in which it alleged a former Massachusetts National Guard member alleged police had treated her mockingly during mental health emergency calls.

Lawyer: Police not under attack

While the lawsuit goes on at length about alleged Worcester police shortcomings in handling mental illness calls, Schwartz said the aim is not to be overly critical of police.

Schwartz told the T&G that police often do their best, but simply don't have the training to adequately handle the huge volume of mental health calls coming their way.

The lawsuit notes that police leaders in recent years have estimated as much as a quarter of their nearly 140,000 annual calls are mental-health related.

Yet less than a quarter of city police officers have completed voluntary state-offered crisis intervention training, the lawsuit alleges, and studies, including by law enforcement groups, have noted that the presence of police inherently escalates many mental health-related calls.

Worcester's system of sending police to most mental health calls is standard across the country; the lawsuit it faces is one of several filed in large cities nationwide.

Two similar cases – one in Oregon and one in Washington, DC – are in the discovery stage of litigation, Schwartz said, after federal judges declined to grant motions to dismiss.

Schwartz said those decisions, while not binding, are encouraging to his cause; the lawsuit notes that the Justice Department, under former President Joseph Biden,

issued findings consistent with its argument.

The Justice Department, in two pattern-or-practice inquiries conducted in cities outside Worcester, found that cities “violate the ADA when their 911 program defaults to providing a police response to people with mental health disabilities who experience a mental health emergency.”

It also, in a [separate 2023 publication with the U.S. Department of Health and Human Services](#), said the ADA “applies to public entities’ emergency response and law enforcement systems.”

The Justice Department under President Donald J. Trump has reversed many of the stances it took under Biden – including by revoking most pattern-or-practice findings, though not Worcester’s.

Schwartz said he did not know what the current administration’s position would be, but his hope is that a court decision or settlement with Worcester would have “statewide ramifications” that could be “replicated” in other cities.

Schwartz said his clients attempted to engage the city in talks for the past year, but were “stonewalled.” He said they would like to speak to the city should it come to the table.

Why Worcester?

Asked why Worcester was targeted with the suit, Schwartz noted the city is the second-largest in the state, “with a large 911 system and a documented history of inappropriate responses to mental health emergency calls.”

Schwartz, and the lawsuit, also argued that the city appeared to concede that its model was a problem by virtue of its [2023 attempt at pairing mental health professionals with police](#).

That attempt, the Mental Health Crisis Response Team, ran for about 18 months and was largely unsuccessful, the lawsuit alleges.

According to the suit, the city disbanded the pilot “for reasons wholly unrelated to the effectiveness or appropriateness of dispatching mental health professionals to mental health emergencies,” and has not reinstated an equivalent program.

The lawsuit alleges that, while medical calls are routed to emergency medical dispatchers with extensive training and protocols, and then to trained medical first responders, people calling for mental health emergencies receive no similar treatment.

Dispatchers who evaluate mental health calls receive “minimal training,” it alleges, and there are “no intake questions or protocols that are used for answering mental health emergency calls,” despite the large volume.

The lawsuit alleges that many families the nonprofits serve, as well as the agencies themselves, avoid calling Worcester police for help when children are experiencing mental health emergencies.

“Their experience has been that their child either receives no timely mental health support, is involuntarily committed or told to go to the emergency room, and/or is arrested for children 12 and older, due to the limitations and negative impacts of the police response,” the lawsuit alleges.

Robin Bahr Casey, president of the board of directors for the National Alliance on Mental Illness of Central Massachusetts, said in a press release that the city’s current system “leaves people in Worcester feeling that there is no available help for individuals experiencing mental health emergencies.”

“We have hope that this lawsuit will bring about positive change,” she said.

Pam Sager, executive director of the Parent/Professional Advocacy League, said people with mental health struggles deserve the same trained response dedicated to people suffering from other problems.

"There are trained professional First Responders for fire. Trained professional First Responders for crime. Trained professional First Responders for medical emergencies. Where are the trained professional First Responders for mental health? There are none," she said. "Our children and youth deserve equal treatment."