

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA

(Alexandria Division)

SANDRA JONES, Administrator of the	)	
Estate of Allan Tucker II,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 1:26-cv-3526
	)	
CHELSEA HENRY,	)	
	)	
and	)	
	)	
WILLIAM MCGINNIS,	)	
	)	
and	)	
	)	
CITY OF ALEXANDRIA, VIRGINIA,	)	
	)	
Defendants.	)	

COMPLAINT

Preliminary and Jurisdictional Statement

1. On August 15, 2025, Allan Tucker, II died in the custody of two Alexandria police officers almost two hours after having been arrested by them. For almost all of that time he sat or lay, handcuffed behind his back, in the back of a police car without being provided with medical care he manifestly needed and also specifically requested. Invoking Virginia's Wrongful Death Act, CODE OF VA. §8.01-50 on behalf of Mr. Tucker's estate and statutory beneficiaries, Mr. Tucker's mother and administrator of his estate now brings suit against these officers for their wanton disregard of Mr. Tucker's medical needs, and against the City of Alexandria for constitutionally deficient police training and policies regarding how to deal with

arrestees in manifest need of medical attention. This case arises under the Fourteenth Amendment of the United States Constitution and 42 U.S.C. §1983. This Court has jurisdiction under 28 U.S.C. §1331 to provide relief to Mr. Tucker's statutory beneficiaries and to his estate as well pursuant to *O'Connor v. Several Unknown Correctional Officers*, 523 F. Supp 1345 (E.D. Va. 1981).

Parties

2. Plaintiff Sandra Jones is the mother and duly appointed administrator of the estate of decedent Allan Tucker II. She brings a claim under 42 U.S.C. §1983 on behalf of his estate and the statutory beneficiaries of Mr. Tucker's estate, being Mr. Tucker's father Allan Tucker and herself.

3. Defendant Chelsea Henry is an officer with the Alexandria Police Department ("APD"). She is one of the officers who responded to the call at Mr. Tucker's apartment, arrested him, and drove him to the Alexandria Adult Detention Center ("ADC") rather than to the Alexandria Hospital, which she passed en route to the ADC. She retained custody of Mr. Tucker in the back of her police car until he died, almost two hours following his arrest. Officer Henry is sued in her individual capacity for damages.

4. Defendant William McGinnis is an APD officer. He is one of the officers who responded to the call at Mr. Tucker's apartment and arrested him. He assisted Officer Henry in arresting Mr. Tucker, and followed Officer Henry when she drove Mr. Tucker to the ADC. He and defendant Henry retained custody of Mr. Tucker in Officer Henry's car until he died, almost two hours following his arrest. Officer McGinnis is sued in his individual capacity for damages.

5. Defendant City of Alexandria (“the City”) is a municipal corporation organized under the laws of the Commonwealth of Virginia. The Alexandria Police Department is a department of the City. The City is sued for damages for failing to promulgate and train its officers on policies reasonably calculated to safeguard the lives of persons taken into custody when they are experiencing psychosis or manifestly under the influence of unknown illicit substances and in need of emergency professional health care.

Claim for Relief

Mr. Tucker’s overdose and its consequences¹

6. On August 15, 2025, some time around 5:00 PM, Mr. Tucker, under the influence of then unknown drugs, hallucinated that an unknown person was in the apartment he shared with his father at 2800 N. Beauregard St. in Alexandria. He called his brother in fear.

7. Mr. Tucker’s brother told Mr. Tucker to call the police if he was scared, and Mr. Tucker did so.

¹Defendant Henry had her body-cam on during the entire period of her and Officer McGinnis’ dealings with Mr. Tucker. A video recording of what she recorded was published online by the APD at <<https://www.youtube.com/watch?v=MxKL-t5A9rA>>. This video is the principal basis for what is alleged in this complaint prior to her and Mr. Tucker’s arrival at the ADC. Thereafter, the events were also recorded by a Sheriff’s Office camera in the ADC sally port. <<https://www.youtube.com/watch?v=vNJq6dDjv60&t=7s>>. Under *Scott v. Harris*, 550 U.S. 372 (2007) these videos, where and to the extent clear, are dispositive of disagreements of what was said and done, and are incorporated here by reference. *N.B.*: The police chief’s public statement introducing Officer Henry’s video, while providing context, is not offered as part of this averment; the bodycam video proffered here begins at the timer mark 13:24 at the lower left.

8. On August 15, 2025 at approximately 5:30 PM, APD officers responded to Mr. Tucker's call and to additional 911 calls from that building reporting that a man was running in the apartment hallway, banging on doors, and screaming "call 911." One caller reported that the man seemed to be experiencing a mental health crisis. The man in question was Mr. Tucker.

9. Officer Henry arrived at the apartment building first. She found Mr. Tucker in the first floor hallway of the building, where he shared an apartment with his father.

10. Mr. Tucker was in a state of dramatic mental distress. He was visibly sweating, had wide eyes, and was speaking rapidly. He told Officer Henry that someone was in the apartment he shared with his father and had a gun.

11. Mr. Tucker led Officer Henry to his apartment, where his father came to the door and stated that no one else was inside the apartment.

12. Officer McGinnis and another officer, Adam Clements, arrived as Officer Henry was speaking to Mr. Tucker. Mr. Tucker remained fearful and highly agitated, continuing to repeat that someone with a gun was inside his apartment.

13. With Mr. Tucker's agreement, Officer Clements searched the apartment. While he confirmed that only Mr. Tucker's father was inside, Mr. Tucker remained emphatic that someone else was there, and refused to enter the apartment. Officers Henry and Clements invited Mr. Tucker to join them in searching the apartment a second time. He declined, watching from the doorway, at times ducking and hiding in fear of figures he claimed to see. He said he was "scared." As the officers searched the apartment, Mr. Tucker pointed to empty areas and asked "who's behind my daddy?" and "who's right there on my bed?"

14. Mr. Tucker's brother called their father to check on Mr. Tucker. The father confirmed that police officers were on the scene. Speaking to Mr. Tucker on speakerphone, Mr. Tucker's brother told Mr. Tucker: "Let them help you. Go to the hospital."

15. No one was in the apartment other than Mr. Tucker's father. It was evident that Mr. Tucker was experiencing visual hallucinations. He became increasingly distressed at the inability of the officers or his father to see the frightening individual(s) he was seeing. When told that if he did not go voluntarily into his apartment he would be placed under arrest, he still refused.

16. At about 5:42 PM, Mr. Tucker was arrested by Officers Henry, McGinnis, and Clements.

17. The officers reasonably believed that Mr. Tucker was under the influence of drugs. As Mr. Tucker perseverated on his distress that none of the officers saw the malign individuals who were so clearly visible to him, Officer McGinnis twice told him he was seeing things "because you're on drugs." He also told Mr. Tucker: "you took a hallucinogen." Officer Henry asked him what he had taken that day, which Mr. Tucker did not answer.

18. At approximately 5:45 PM, the officers escorted Mr. Tucker outside of the building. His hallucinations, which he described, of ominous figures, moving shadows, and lights, terrorized him with increased frequency and intensity. His speech quickened as he expressed increasingly paranoid and distrustful thoughts to the officers.

19. At about 5:50 PM, officers locked Mr. Tucker into the back seat of Officer Henry's police car, with his hands cuffed behind him and secured to the seat belt. She requested that one of the other two officers present follow her. She deemed this appropriate, she said, "because he's about to snap in a second."

20. As Mr. Tucker sat in the back of the police car, his demeanor deteriorated into visible panic and terror. He began to cry out for help, screaming that the officers had their body cameras switched off, their guns out of their holsters, and were going to kill him.

21. In response to this deterioration, Officer Henry stated, "sounds like he's going to the hospital," observing that the ADC was "not going to accept him like this."

22. Recklessly minimizing Mr. Tucker's manifest distress, Officer McGinnis responded that the only reason the ADC would reject Mr. Tucker was "if his blood pressure was through the roof." At the time, Officer McGinnis had no idea what Mr. Tucker's blood pressure was. Nor did he or anyone else attempt to check.

23. As a result of their experience and training, Officers Henry and McGinnis were aware that ingesting illicit drugs, particularly in large quantities or in combination with other drugs or alcohol, could lead to dire medical consequences, including death from heart failure.

24. In connection with Mr. Tucker, Officer Henry and, on information and belief also Officer McGinnis, made reference to "VPR." On information and belief, VPR is law enforcement shorthand for a Vulnerable Person Registry used to log persons at risk who require appropriate support or intervention, including immediate medical evaluation and treatment.

The City's Policies and Training

25. APD's current policy of record regarding arrests for public intoxication, APD Directive 11.17, provides that absent certain disqualifying conditions inapplicable here, persons arrested for public drug or alcohol intoxication be taken to the Alexandria Detoxification Center before being taken to the ADC. This center has been closed since 2020. The policy is impossible to implement, and provides no guidance to APD officers faced with an arrestee visibly under the influence of drugs and at risk of the life-threatening consequences thereof.

26. Alexandria police officers regularly arrest persons under the influence of drugs or alcohol. Prior to the death of Mr. Tucker, and in the face of the unavailability of the Alexandria Detoxification Center, the City of Alexandria, through its Police Department, failed to provide its officers with training sufficient to prevent avoidable adverse consequences to severely affected arrestees, including possible death, by reason of not having been provided prompt detoxification or medical services.

27. Under APD practice, absent objective evidence of need, individuals in police custody are not ordinarily medically evaluated until their ADC intake, at which time they are seen by ADC personnel. Mr. Tucker was manifestly having a “bad trip,” hallucinating, agitated and screaming. Officer Henry, for one, opined he would have to be hospitalized, as the ADC would not admit him. It was self-evidently necessary for Mr. Tucker’s arresting officers, as a preliminary matter, to secure on-site review from emergency medical technicians (“EMTs”) before concluding it was appropriate to bring him to the ADC rather than to a hospital.

28. In a gross departure from reasonable practice when dealing with a manifestly at-risk arrestee, neither of the defendant officers, nor any other officer, called for EMTs to respond to the scene of Mr. Tucker's arrest.

29. To the extent new arrangements purport to have superseded the requirement to take persons arrested for public intoxication to the Alexandria Detoxification Center, Alexandria City, via its police department, did not cause its APD staff, including Officers Henry and McGinnis, to be trained on same, and they remained ignorant of same. Unreasonably and with indifference to the consequences of delayed medical intervention and detoxification, they did not seek EMT assistance, and rather undertook to transport Mr. Tucker directly to the ADC, where he waited at undue length in their custody and then died for lack of timely medical intervention.

Mr. Tucker is transported to the ADC

30. As Officer Henry got into the driver's seat of her car, Mr. Tucker's screams became even more desperate as he fixated on his belief that she had drawn her gun and was hiding it from him. Amid his yells of terror, at approximately 5:55 PM Mr. Tucker requested to speak to a sergeant.

31. As they waited for the sergeant to arrive, the officers discussed Mr. Tucker's mental state and hallucinations. Officer Henry said "he's just tripping out bad." Officer McGinnis stated, "I've never seen it like this," and discussed what drugs could have caused this reaction.

32. When two additional officers arrived at 5:57 PM, Officer Henry informed them too that Mr. Tucker was "tripping out bad." She repeated this three times.

33. At 5:58 PM, Sergeant Richard Magnum arrived. Officer Henry told him: “He’s tripping on something. He’s having a bad trip. It’s some kind of drug, we don’t know what, but he’s having a bad trip.”

34. Sgt. Magnum spoke with Mr. Tucker, who recounted his beliefs about the person in his house and about the officers trying to kill him. Recognizing an emergency but disregarding Mr. Tucker’s manifest need for medical assessment given his severe reactions to an unknown drug, Sgt. Magnum directed Officer Henry to bring him immediately to the ADC and to “run code,” *i.e.*, drive at high speed with emergency lights and siren on.

35. “Running code,” which poses potential risks to the driver as well as the public, is mandated and permissible when it is imperative for the vehicle in question to rush to its destination because of a recognized emergency. Although Sgt. Magnum perceived such an emergency in the case of the increasingly decompensating Mr. Tucker, in a reflection of the city’s inadequate policies and training on how to deal with manifestly at-risk arrestees, he did not call for EMTs, direct that Mr. Tucker be brought to the hospital, or cause the ADC to be advised that it would shortly be receiving an arrestee who would require prompt attention.

36. Officer Henry began to drive to the ADC at approximately 6:00 PM. At this time, Mr. Tucker entered his most heightened state of panic. Convinced he was in mortal danger, he begged for his life and launched into a series of pleas evidently intended to increase his chance of survival. From the rear of the police car he said the following to or at Officer Henry:

Why does she have a gun? Ma’am ma’am stop it, please. Why does she have a gun, ma’am? Ma’am, what are you doing? The lady has a gun. Bro, I didn’t do nothing. I’ll tell you anything you want. Please help me. She has a gun. Please. Look I got a baby

on the way, I got a baby on the way.² Please, please don't kill me. I didn't do anything. I don't sell drugs or nothing any more. What do you want and I'll tell you? What do you want? Do you wanna know who does what?

37. At about 6:01 PM, Mr. Tucker appears to say: "please make sure a paramed is on the way."

38. Throughout the car ride, which lasted around eleven minutes, Mr. Tucker, in a state of terror and distress, was screaming and thrashing in the back seat, kicking and hitting his head on the barrier. In her subsequent report on his death, the assistant chief medical examiner noted evidence of blunt force injuries to Mr. Tucker's head, torso, arms, and legs. She found that "blunt force injuries are not considered contributory to death." Mr. Tucker had no such injuries before his ride in Officer Henry's car; they were incurred as a result of his incessant thrashing and beating while being transported to the ADC.

39. At approximately 6:04 PM, Officer Henry's car passed the entrance to Alexandria Hospital. Mr. Tucker begged: "Please take me to Alexandria Hospital. Please take me to Alexandria Hospital. Please take me ... Take me to Alexandria Hospital please. I need to go to the hospital. I need to go to the hospital, please."

40. Alexandria Police Directive 10.1.08(A) provides that "Arrestees who are unconscious, have a significant physical injury, or request medical treatment, will be transported to the hospital for treatment before being taken to the booking area of the Adult Detention Center."

²Mr. Tucker had no known "baby on the way." This was a hallucination. His heirs at law are his parents.

41. Officer Henry was not properly trained as to her responsibilities under Directive 10.1.08(A). She acknowledged Mr. Tucker's requests to be taken to the hospital, but declined to do so.

42. At about at 6:11 PM, Officer Henry arrived at the ADC and pulled up to the sally port, from which detainees are turned over to ADC staff for initial processing. Officer McGinnis arrived at the sally port immediately afterwards. The two stayed with Mr. Tucker until his death.

43. Officers Henry and McGinnis understood that once a detainee was brought to the ADC, the detainee would be given a preliminary medical check. They also knew that, as Officer Henry had remarked at Mr. Tucker's apartment, Mr. Tucker might not be admitted to the ADC because of his condition, in which case they would have to transport him immediately to a hospital or detoxification facility.

44. On their arrival, Officers Henry and McGinnis were informed by ADC staff that Mr. Tucker's intake would be delayed due to a shift change. So they waited, with Mr. Tucker handcuffed and thrashing about in the back of Officer Henry's car.

45. Officers Henry and McGinnis knew or should reasonably have known that given Mr. Tucker's physical, psychological, and emotional symptoms from unascertained drugs, it was imperative for him to be promptly medically assessed by a qualified healthcare provider, so as to prevent an enhanced medical crisis, including his possible death in reaction to the drugs they correctly believed him to have ingested.

46. Officers Henry and McGinnis failed adequately to monitor Mr. Tucker, who they accurately believed was undergoing substantial adverse effects of an unknown drug. They also knew that untreated drug overdose could lead to death. Throughout, they acted with reckless disregard for Mr. Tucker's safety and well-being.

47. At no time before Mr. Tucker's death did officers Henry or McGinnis call EMTs to the scene, undertake to secure his prompt assessment by qualified ADC medics, or bring him "on code" to Alexandria Hospital or an available detoxification facility for assessment and care.

48. While Officers Henry and McGinnis waited outside of their cars, Mr. Tucker remained in the backseat of the cruiser. He continued thrashing and yelling in an agitated and distressed state. The two officers chatted, complained about the inconvenience of the ongoing delay, checked their phones, and waited. They hardly looked at him, and did nothing to assist Mr. Tucker.

49. Mr. Tucker gradually became subdued, with his vocalizations becoming more infrequent and unintelligible. By 6:35 PM, he had become silent. The officers did nothing.

50. At 6:36, the officers looked at Mr. Tucker through the car window. He was lying on his back, his hands cuffed behind him, and appeared to them to be breathing. They did nothing.

51. By 6:45 PM, Mr. Tucker had been silent for about ten minutes. His legs then began flailing and convulsing for about two minutes, following which, after twitching for an additional minute, all movement stopped at about 6:49 PM. Other than a few moans coming from Mr. Tucker in the period 6:45-6:46 PM, he was silent.

52. Officers Henry and McGinnis took no notice of Mr. Tucker's changed circumstances. Casually leaning on Officer Henry's car, with Mr. Tucker in plain view, they continued chatting and checking their phones. They took no actions relative to Mr. Tucker.

53. At around 6:51 PM, Officer McGinnis, noticing that Mr. Tucker was unresponsive, realized that something was wrong, and called for an ADC medic. Officer Henry made a radio report of a "possible overdose." She repeatedly called "Allan, Allan, wake up, wake up."

54. Officer McGinnis called for Narcan, a rapid-functioning antidote for certain drug overdoses, and Officer Henry said she had Narcan in her bag. Officer McGinnis fetched it and Officer Henry administered it. This was to no avail, and Mr. Tucker did not revive. At the time, the officers did not know if Narcan was indicated for whatever Mr. Tucker had taken.

55. The two officers dragged Mr. Tucker out of the car, cut the seat belt to which his handcuffs were attached, laid him on the sally port floor, and attempted resuscitation, which failed. ADC medics and then EMTs were summoned, appeared, and continued the resuscitation efforts, which also failed. At 7:27 PM, Mr. Tucker was pronounced dead at the scene by an emergency medical technician. This was about 1 3/4 hours after he had been taken into custody, and almost 1 1/2 hours after having arrived at the ADC.

56. Mr. Tucker's death was determined to have been caused by cardiac arrest caused by an overdose of cocaine and cocaethylene intoxication. Cocaethylene is a psychoactive chemical compound and toxic metabolite formed in the liver when cocaine and alcohol are consumed at the same time.

57. Trained medical personnel deal with drug overdose cases with regrettable frequency. When presented at a medical facility, such cases are triaged for immediate treatment, the patients are promptly examined and treated, and usually survive. But for the defendants' delay in securing medical assistance, there is no reason to believe that Mr. Tucker's life could not have been saved.

58. Had Officers Henry and McGinnis called EMTs to the scene of Mr. Tucker's arrest, had they brought him directly to a hospital or detoxification facility, or, faced with ongoing delay at the ADC, called EMTs to the ADC or driven Mr. Tucker "on code" to Alexandria Hospital, he would have received immediate treatment for a manifest drug overdose and likely survived, as routinely happens in cases of this sort. Their failure to take any of these manifestly reasonable and necessary life-saving steps was reckless, unreasonable, in derogation of their constitutional obligations to their arrestee, and a proximate cause of Mr. Tucker's death.

59. As a result of defendants' failures set forth above, Mr. Tucker was deprived of timely and necessary medical care, suffered mentally and physically, and died. Apart from depriving Mr. Tucker of the enjoyment of life, his death deprived his parents of their beloved son's society, companionship, comfort, kindly offices, and financial assistance, and his parents also incurred expenses associated with his funeral and burial. Mr. Tucker also served as primary caretaker for his seriously ill father with whom he lived.

Causes of Action

On Behalf of The Statutory Beneficiaries

Count I: Unreasonable Indifference to Manifest Medical Need

60. By their actions set forth above, defendant Officers Henry and McGinnis unreasonably kept Mr. Tucker from prompt medical assistance, thereby leading to his avoidable death. They knew or should have known that his “very bad trip” and disturbingly agitated behavior required him to be promptly medically assessed and detoxified. They unreasonably failed to secure this treatment, not summoning EMTs to the site of his arrest, not bringing him to a medical or detoxification facility, and waiting excessively at the ADC instead of either securing immediate medical intervention there or driving him to the Alexandria Hospital, minutes away “on code.” Mr. Tucker’s parents, his statutory beneficiaries, are entitled to damages for these violations of the Fourteenth Amendment of the Constitution.

Count II: Failure to Promulgate and Train on Constitutional Policies

61. By failing to promulgate and train city police officers on policies requiring them to secure prompt medical or detoxification intervention for arrestees suffering from high levels of drug intoxication, the City of Alexandria, through its Police Department, demonstrated unconstitutional indifference to the well-being and rights of Mr. Tucker, whose death resulted from such failure. Mr. Tucker’s parents, his statutory beneficiaries, are entitled to damages for these violations of the Fourteenth Amendment of the Constitution.

On Behalf of the Estate of Allan Tucker II

Count III: Unreasonable Indifference to Manifest Medical Need

62. By their actions set forth above, defendant Officers Henry and McGinnis unreasonably kept Mr. Tucker from prompt medical assistance, thereby leading to his avoidable death. They knew or should have known that his "very bad trip" and disturbingly agitated behavior required him to be promptly medically assessed and detoxified. They unreasonably failed to secure this treatment, not summoning EMTs to the site of his arrest, not bringing him to a medical or detoxification facility, and waiting excessively at the ADC instead of either securing immediate medical intervention there or driving him to the Alexandria Hospital, minutes away "on code." They are thereby liable to his estate for his resulting pain and suffering and loss of enjoyment of life, in violation of the Fourteenth Amendment of the Constitution.

Count IV: Failure to Promulgate and Train on Constitutional Policies

63. By failing to promulgate and train city police officers on policies requiring them to secure prompt medical or detoxification intervention for arrestees suffering from high levels of drug or alcohol intoxication, the City of Alexandria, through its Police Department, demonstrated unconstitutional indifference to the well-being and rights of such intoxicated persons with whom the police regularly come into contact, including Mr. Tucker. The city is thereby liable to Mr. Tucker's estate for his resulting pain and suffering and loss of enjoyment of life, in violation of the Fourteenth Amendment of the Constitution.

*

Wherefore, Ms. Jones seeks an order of this Court awarding:

- * Actual damages to the statutory beneficiaries of Mr. Tucker's estate on the federal claims against all defendants, jointly and severally, appropriate to the proof at trial,
- * Punitive damages to the statutory beneficiaries of Mr. Tucker's estate on the federal claims against defendants Henry and McGinnis, appropriate to the proof at trial,
- * Actual damages to Mr. Tucker's estate on the federal claims for his pain and suffering and loss of enjoyment of life, against all defendants, jointly and severally, appropriate to the proof at trial,
- * Punitive damages to Mr. Tucker's estate on the federal claims for his pain and suffering and loss of enjoyment of life, against defendants Henry and McGinnis, appropriate to the proof at trial,
- * Damages to Mr. Tucker's statutory beneficiaries as provided by the Virginia Wrongful Death Act,
- * An award of costs, including reasonable attorney's fees, and
- * Such other relief as is just.

Ms. Jones requests trial by jury.

Respectfully submitted,

SANDRA JONES, Administrator of the
Estate of Allan Tucker II,

By counsel

Dated: October 22, 2026

Counsel for Plaintiffs:

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