



Albany Police Department

1000 San Pablo Ave.

Albany, CA 94706

510-525-7300

Mike McQuiston - Chief of Police



Statement from Albany Police Chief Mike McQuiston concerning Albany Middle School teacher James Izumizaki

October 4, 2012

James Izumizaki's arrest and subsequent suicide understandably upset many in our small community. It's clear that people are hurt and confused by this tragic turn of events; the arrest of a popular educator and community member raises troubling questions, and his suicide leaves many questions unanswered.

Because I believe in transparent and responsive policing, I would like to share what process was followed in arriving at the decision to arrest Mr. Izumizaki, and the laws from which that authority is derived.

After receiving mandatory notice from the school district that allegations of impropriety had been made concerning Mr. Izumizaki's relationship with a minor, the Albany Police began an investigation into that relationship. Following victim and witness interviews, police collected additional evidence that confirmed information from those interviews. A veteran police detective presented the evidence to a Superior Court judge in the form of a Declaration of Probable Cause.

California Penal Code §817 describes this process: "...if, and only if, satisfied from the declaration that there exists probable cause that the offense described in the declaration has been committed and that the defendant described therein has committed the offense, shall issue a warrant of



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probable cause for the arrest of the defendant.” This step provided judicial scrutiny of the evidence. This independent, third-party review by a magistrate uninvolved with the investigation is a safeguard against police abuse of the US Constitution’s Fourth Amendment.

Once the judge issued the Warrant of Probable Cause for Arrest, officers were given the authority to make an arrest and search his home and vehicles. We are then required to file a document with the court clerk stating the date and time the warrant was served, the name of the person arrested, the location of the arrest and where the person is being held in jail. We are required to file a similar return with the court on the search warrants describing what we found and what we seized. Because Mr. Izumizaki died prior to being charged with a crime, there will be no public trial or court proceedings.

Mr. Izumizaki was arrested without incident at his home when he answered our knock at his door on the morning of Sept. 26. The speed with which this arrest was made is a compliment to the lead investigator and is typical of cases where we want to act quickly to limit the destruction or concealment of evidence, and/or the compromise or concealment of witnesses.

Part of our mission as police officers involves bringing perpetrators of crime to justice. Another part involves protecting the public and providing services and care for crime victims. Our investigation continues today and it will continue until all known leads are exhausted.



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We do this to ensure that no unknown victims remain who would likely need critical care or emotional support services. The reported victims in this matter are minors. The nature of the crimes under investigation and the manner in which this chain of events has unfolded (and continues to unfold) will manifest lifelong impacts on the victims.

We will also continue to investigate to ensure that any digital record created during the commission of a crime with a juvenile does not live on into perpetuity (as 21st century technology now seems to allow).

Lastly, if we should discover any information during our investigation that might help our school district colleagues better protect their students, we will share that information with them.

In addition to the angst this matter has created in our community, investigations of this nature can be challenging and complex for the police to navigate. I am proud of the members of the Albany Police Department, particularly our investigative staff, who continue to diligently work this investigation on behalf of the victims.

I am also grateful for, and would like to publicly thank, those victims and witnesses who have shown great courage and character by coming forward.

As always, the police department remains committed to its mission of protecting and serving the community. Working together, we can ensure Albany will remain a safe place to live, work and play.