

1 SUPERIOR COURT OF THE STATE OF CALIFORNIA
2 FOR THE COUNTY OF LOS ANGELES
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4 In Re 500 Fighting Roosters seized Pursuant to
5 Penal Code Section 597j on April 26, 2017 at 13016
6 Telfair Avenue in the City of Los Angeles, County
7 of Los Angeles, California
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**NOTICE OF PETITION FOR
HEARING, PETITION AND
[PROPOSED] ORDER FOR THE
HUMANE DESTRUCTION OR
DISPOSITION OF FIGHTING
ROOSTERS SEIZED AT 13016
TELFAIR AVENUE**

**Hon. Michael E. Pastor
Department: 110**

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13 Petitioners City of Los Angeles and Los Angeles Police Department, hereby submit the
14 following Notice of Petition for Hearing, Petition and [Proposed] Order for the Humane
15 Destruction or Disposition of Fighting Roosters Seized at 13016 Telfair Avenue.

16 Petitioner hereby requests that the Court order the Los Angeles Department of Animal
17 Services to humanely destroy or otherwise dispose of 494 fighting roosters (also known as
18 “gamecocks”) seized at 13016 Telfair Avenue, Los Angeles, California 91342 (the “Telfair
19 Property”), and an unaddressed parcel of land immediately adjacent to the Telfair Property,
20 which is owned by the Los Angeles Department of Water and Power (“DWP”) and is assigned
21 Los Angeles County Assessor’s number 2604-007-901. The fighting roosters were held in
22 violation of California Penal Code Section 597j, are unclaimed, and have been seized and tagged
23 in accordance with the procedures set forth in Penal Code Sections 1524 and 599aa.

24 I, Detective Willem Erkelens, declare the following under penalty of perjury:

- 25 1. I am a Detective with the Los Angeles Police Department (“LAPD”), and am
26 employed by the City of Los Angeles. I have been so employed for over 28 years.
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1 I am currently the Officer-In-Charge of the Detective Support and Vice Division,
2 Animal Cruelty Task Force (“ACTF”).

- 3 2. On April 25, 2017, after receiving a report of ongoing cockfighting at or near the
4 Telfair Property, I obtained a search warrant under Penal Code Section 1524 on
5 behalf of the LAPD to search the Telfair Property for evidence of cockfighting, as
6 well as paraphernalia, drugs, and unauthorized weapons associated with
7 cockfighting. The search warrant also authorized the search of an unaddressed
8 parcel of land immediately adjacent to the Telfair Property, which is owned by the
9 Los Angeles Department of Water and Power (“DWP”) and is assigned Los
10 Angeles County Assessor’s number 2604-007-901. The properties are located in
11 the County of Los Angeles, California.
- 12 3. Through my experience and training with the ACTF, I have become familiar with
13 cockfighting, which involves preparing and training a rooster for a fight.
14 Preparation of the gamecocks involves the alteration/mutilation of naturally
15 occurring anatomical features by the animal’s owner or handler. For example,
16 gamecocks have naturally occurring combs, wattles, and lobes on their heads.
17 These fleshy protrusions are cut off by the owners or handlers in preparation for
18 fighting, to eliminate a potential bleeding source during the fight. In addition,
19 gamecocks have naturally occurring spurs which grow on the inside of their lower
20 legs; these spurs are cut so that during a fight, a knife can be readily attached to this
21 point on the gamecock’s body.
- 22 4. On the morning of April 26, 2017, I and members of the ACTF served the search
23 warrant on the Telfair Property and the DWP property. Among the numerous items
24 which appear to have been used or were intended to be used as a means of engaging
25 in and/or facilitating illegal cockfighting in violation of Penal Code Section 597b,
26 500 gamecocks were found in fixed cages on the property, in violation of Penal
27 Code Section 597j.
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- 1 5. Many other items associated with illegal cockfighting were found on the property
2 besides the altered/mutilated gamecocks, including: syringes and injectable
3 performance enhancing drugs to enhance the aggressiveness of the gamecocks; first
4 aid supplies used to alter the gamecocks, or to attend to injured gamecocks after
5 cockfights; implements such as leather spur blocks, wax string, and moleskin used
6 to attach sharp knives called “gaffs” on the lower legs of the gamecocks in
7 preparation for fighting; scales used to weigh the gamecocks for classification in a
8 fighting weight; and portable bird carriers.
- 9 6. The owner of the Telfair Property has denied that any of the 500 gamecocks belong
10 to him. Representatives from the DWP property denied leasing the land to the
11 owner of the Telfair Property and disclaimed knowledge of the gamecocks. No one
12 else claimed ownership of the seized gamecocks and, during the search, family
13 members of the owner of the Telfair Property declined to divulge and/or disclaimed
14 knowing the identities of the owners of the gamecocks.
- 15 7. Because ownership of the 500 gamecocks could not be determined during the
16 search, and because they were too large in number to be transported to an animal
17 storage facility, the gamecocks were seized in place in accordance with the
18 procedures set forth in Penal Code Section 599aa(d)(1)&(2). Specifically, the 494
19 gamecocks for whom ownership could not be determined were seized and
20 maintained in place at the Telfair Property, as the transportation, housing and care
21 of such birds would place an undue burden on the Los Angeles Department of
22 Animal Services. Photographs were taken of each gamecock by the Los Angeles
23 Department of Animal Services. A representative sample of six gamecocks was
24 transported to an appropriate animal storage facility. The remainder of the evidence
25 seized by the ACTF was booked into LAPD property.
- 26 8. On May 2, 2017, I returned to the Telfair Property to inspect the conditions of the
27 seized gamecocks. I discovered that five of the gamecocks had died, due to
28 malnutrition, heat, and/or poor conditions. During this visit, I spoke directly with

1 the owner of the Telfair Property, who denied that any of the remaining 494
2 gamecocks belonged to him, and who requested that the gamecocks be removed
3 from his property. Additionally, the owner of the Telfair Property disclaimed
4 knowing and/or declined to divulge the identities of the owners of the remaining
5 gamecocks. Nevertheless, the owner of the Telfair Property represented that every
6 owner had returned to the Telfair Property, and that he had informed them that the
7 LAPD had seized the gamecocks and that they were not allowed to take them.
8 From the time of the search and seizure on April 26, 2017 to the present, not one
9 owner of any of the 494 gamecocks has contacted the LAPD or ACTF to claim
10 ownership.

11 9. As of May 8, 2017, ownership has not been established for any of the remaining
12 gamecocks found on and seized at the Telfair Property. The ACTF has been unable
13 to locate the owners of the remaining gamecocks seized at and left on the Telfair
14 Property, despite attempts to identify such owners. Business cards have been left
15 with the owner of the Telfair Property with contact information to the ACTF.

16 10. The owner of the Telfair Property initially blocked access to the gamecocks so that
17 for a few days, the ACTF and the Los Angeles Department of Animal Services had
18 not been able to conduct an inspection to check their welfare and provide food and
19 continuous care on a daily basis. More recently, the owner of the Telfair Property
20 has granted regular access to his property to the ACTF and the Los Angeles
21 Department of Animal Services, who have been feeding the gamecocks regularly.
22 Additionally, most of the gamecocks have been trained for fighting and must be
23 segregated from one another due to their highly aggressive nature towards animals
24 as well as humans. They are therefore unsuitable for adoption.

25 11. Even if the owners of the gamecocks could be identified and located, the
26 gamecocks could not be returned to them because they are contraband, given that
27 under Penal Code Section 597j, it is illegal to own or possess birds that are intended
28 to be used in an exhibition of fighting. Because the seized gamecocks have been

1 altered/mutilated, injected with drugs which make them unsuitable for human
2 consumption, and trained for fighting, they can serve no other purpose other than to
3 be used as fighting birds.

4 12. Given that five of the seized gamecocks died between April 26, 2017 and May 2,
5 2017 likely due to unsuitable conditions, and that more gamecocks are likely to die
6 if continued to be kept in such conditions, it would be inhumane for the gamecocks
7 to suffer and/or die due to a lack of proper care and storage.

8 13. Your Affiant requests permission on behalf of the LAPD and ACTF to direct the
9 Los Angeles Department of Animal Services to humanely destroy or dispose of the
10 gamecocks remaining on and seized at the Telfair/DWP Properties, following the
11 procedures set forth in Penal Code Section 599aa(e)(1) because:

12 A. Based on my experience and observations, the seized gamecocks were
13 possessed at the Telfair/DWP Properties and owned with the intention that
14 they be used for unlawful cockfighting, in violation of Penal Code Section
15 597j.

16 B. Ownership of the seized gamecocks cannot be determined after reasonable
17 efforts by the ACTF.

18 C. Even if ownership could be determined, it is unlawful to possess the altered
19 gamecocks under Penal Code Section 597j because they can serve no purpose
20 other than to be used as fighting birds.

21 D. The ACTF and Los Angeles Department of Animal Services have
22 continued to conduct inspections on the gamecocks to provide food and care
23 for 10 days. However, access to the property is not guaranteed and has been
24 difficult to achieve. Additionally, there are many personal and safety hazards
25 on the property to both the Los Angeles Department of Animal Services
26 employees and the gamecocks. Due to the accessibility and the safety
27 concerns, it is unreasonable to require the Los Angeles Department of Animal
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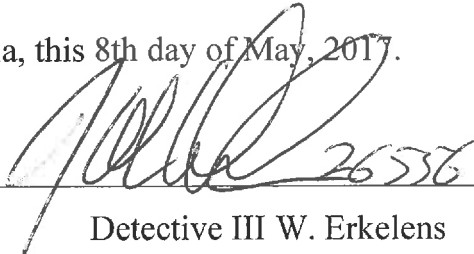
1 Services employees to continue to respond to the location to provide care for
2 the gamecocks beyond the statutory limits.

3 E. The ACTF will publish a copy of this Petition for three successive days in a
4 newspaper of general circulation.

5 F. The ACTF will post signs on the Telfair Property for three successive days
6 with notice of this Petition.

7 The LAPD and ACTF request that on May 12, 2017, or as soon thereafter as this matter
8 may be heard, at the conclusion of the three days of publication of this Petition, this Court hold a
9 hearing on the Petition whereby the Court shall order the remaining seized gamecocks to be
10 humanely destroyed. No gamecock may be destroyed or otherwise disposed of until 4 days after
11 such order.

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14 Executed at Los Angeles, California, this 8th day of May, 2017.

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18 Detective III W. Erkelens
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PCVD
5-8-17
Alicia Garcia
Alicia Garcia
Dept 50

1 SUPERIOR COURT OF THE STATE OF CALIFORNIA
2 FOR THE COUNTY OF LOS ANGELES

3
4 In Re 500 Fighting Roosters seized Pursuant to
5 Penal Code Section 597j on April 26, 2017 at
6 13016 Telfair Avenue in the City of Los Angeles,
7 County of Los Angeles, California

**[PROPOSED] ORDER FOR
HEARING RE: THE HUMANE
DESTRUCTION OR DISPOSITION
OF FIGHTING ROOSTERS
SEIZED AT 13016 TELFAIR
AVENUE**

**Hon. Michael E. Pastor
Department: 110**

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10 IT IS HEREBY ORDERED that a hearing shall be held in Department 110 of the
11 above-captioned court on May 15, 2017 at 9:00am, whereby the Court shall issue an
12 order the remaining unclaimed gamecocks seized in accordance with the provisions of
13 California Penal Code Sections 599aa and 1524, which were possessed and owned in violation
14 of Penal Code Section 597j, and are located at 13016 Telfair Avenue, Los Angeles, California
15 91342 and the unaddressed parcel of land owned by the Los Angeles Department of Water and
16 Power (assigned Los Angeles County Assessor's number 2604-007-901) in the County of Los
17 Angeles, State of California, be humanely destroyed.
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19 Dated: _____
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23 JUDGE OF THE SUPERIOR COURT
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2 SUPERIOR COURT OF THE STATE OF CALIFORNIA
3 FOR THE COUNTY OF LOS ANGELES
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5 In Re 500 Fighting Roosters seized Pursuant to
6 Penal Code Section 597j on April 26, 2017 at
7 13016 Telfair Avenue in the City of Los Angeles,
8 County of Los Angeles, California
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**[PROPOSED] ORDER FOR THE
HUMANE DESTRUCTION OR
DISPOSITION OF FIGHTING
ROOSTERS SEIZED AT 13016
TELFAIR AVENUE**

**Hon. Michael E. Pastor
Department: 110**

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11 IT IS HEREBY ORDERED that the remaining unclaimed gamecocks seized in
12 accordance with the provisions of California Penal Code Sections 599aa and 1524, which were
13 possessed and owned in violation of Penal Code Section 597j, and are located at 13016 Telfair
14 Avenue, Los Angeles, California 91342 and the unaddressed parcel of land owned by the Los
15 Angeles Department of Water and Power (assigned Los Angeles County Assessor's number
16 2604-007-901) in the County of Los Angeles, State of California, be humanely euthanized by
17 the Los Angeles Department of Animal Services. No gamecock may be destroyed or otherwise
18 disposed of until 4 days after this order. This order shall only apply to those animals and birds
19 seized under any of the following circumstances:

20 (A) After having been used in violation of any of the provisions of Penal Code Section
21 597, et seq., relating to the fighting of birds or animals, or

22 (B) At the scene or site of a violation of any of the provisions of Penal Code Section
23 597, et seq., relating to the fighting of birds or animals.
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25 Dated: _____
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JUDGE OF THE SUPERIOR COURT