

BERKELEY POLICE DEPARTMENT

DATE ISSUED: September 16, 2008

GENERAL ORDER P-10

SUBJECT: EMERGENCY BURIAL PERMITS

PURPOSE

- 1 - **The purpose of this Order is to establish procedures for issuance of emergency burial permits by the Berkeley Police Department.**

POLICY

- 2 - **While the City of Berkeley Health and Human Services (HHS) Department is responsible for the daily administration and processing of burial permits, sworn supervisors or command rank officers (hereafter, "issuing officers") shall assist HHS Department in the issuance of emergency burial permits according to the procedures set forth in this Order.**
- 3 - **The Police Department will issue a burial permit in cases of emergency only for deaths occurring in the city limits of Berkeley.**
 - (a) **For the purpose of this Order, an "emergency" is:**
 - (1) Religious necessity (i.e., Jewish custom).
 - (2) Natural disaster (i.e., earthquake, etc.).
 - (3) **Extraordinary circumstances requiring out-of-State transportation of a body by the deceased person's family.**
 - (b) **A permit request made urgent due to a statutory time limit (e.g., being beyond the 8-day time limit for burial) or "long weekend" is not an emergency, and the person making the request shall be referred to the HHS Department's Office of Vital Statistics during normal business hours.**
- 4 - **Notwithstanding issuance criteria set forth in paragraph 3 of this Order, a burial permit shall not be issued in the following circumstances:**
 - (a) **The applicant does not possess required documents (see paragraph 6).**
 - (b) **The applicant fails to submit the requisite permit fee (see paragraph 10(c)).**
 - (c) **The location intended to receive scattered cremated remains is not authorized by law or property owner consent (e.g., lakes, rivers, within 500 feet of an ocean or inland waterway shoreline, over public lands without proper approval, etc.).**

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PROCEDURES

- 5 - **An emergency burial permit may only be issued by** the Police Department on Saturdays, Sundays and Holidays, between the hours of 9 a.m. and 4 p.m.
- (a) A permit will not be issued **by department personnel** at any other time except on the personal request of the City's **Public Health Officer**.
- 6 - **The issuing officer shall receive the following forms from the funeral facility representative desiring a burial permit:**
- (a) An original Certificate of Death.
- (b) An Application and Permit for the Disposition of Human Remains (State of California, Department of Public Health, Office of Vital Statistics form VS-9), completed in quadruplicate, and signed/dated by funeral director or authorized representative.
- (c) In particular to disposition of cremated remains at a location other than a cemetery, written authorization from a private property owner or governmental agency having jurisdiction over lands upon which cremated remains are to be scattered.
- 7 - **The issuing officer shall review the Certificate of Death to insure:**
- (a) The death occurred in Berkeley (Item 106).
- (b) **The Certificate** is signed by either a physician or the Coroner (Item 115 and 118, and/or 126).
- (1) The Coroner must sign when the death was caused in whole or in part by an injury, is work-related, **is under investigation** or during the continued absence of the physician.
- (2) The physician must have seen the deceased within 20 days of the date of death (Compare Item 7 with Item 114B).
- (c) **The Certificate bears** the embalmer's license number (Item 43) and signature (Item 42) **if the body is embalmed**.
- (1) If the body is not embalmed, the words "not embalmed" **should be** written in Item 42 and a dash in Item 43.
- 8 - **The issuing officer shall review the Application and Permit for Disposition of Human Remains to insure:**

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- (a) The information on the **form** corresponds with that on the Certificate of Death.
 - (b) **The form is** signed and dated by the applicant in the section, "**Applicant Signature**" (Items **9A** and **9B**).
 - (c) **The amount of "\$11.00" appears in the section, "Amount of Fee Paid"** (Item **10A**).
 - (d) **The current date appears in the section, "Date Permit Issued,"** (Item **10B**).
 - (e) **The name of the City's Public Health Officer, "Janet Berreman, MD (as of 8/30/2008)", written by the issuing officer, along with his/her initials and badge number, in the section, "Signature of Local Registrar"** (Item **10C**).
 - (f) **The form reads "City of Berkeley Health Department, 1947 Center Street" in the section "Address of Registrar"** (Item **10D**).
 - (g) **The location identified for disposition of cremated remains (ref. Item 11C and 16A) is legally authorized to receive said material, in conformance with Health and Safety Code §§7116 and 7117.**
- 9 - **The issuing officer shall present the first three copies of the completed Application and Permit for Disposition of Human Remains to the funeral facility representative.**
- 10 - **The issuing officer shall forward the following items to HHS Department's Office of Vital Statistics for each burial permit issued:**
- (a) The fourth copy of the **Application and Permit for Disposition of Human Remains**;
 - (b) The Certificate of Death; and,
 - (c) The fee of \$11.00.
 - (1) Checks shall be made payable to the "City of Berkeley".
 - (2) **THE ISSUING OFFICER SHALL NOT PREPARE A RECEIPT FOR THE PERMIT FEE. Health and Human Service Department staff is responsible for preparation and mailing of a receipt to the funeral facility.**

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- 11 - The issuing officer shall complete the "Health Department -Burial Permits" log attached to Burial Permit folder kept at Front Counter.**
- 12 - Questions or issues concerning burial permits that cannot be immediately resolved should be referred to the City of Berkeley's Public Health Officer or his/her designee.**

References: Health and Safety Code §§7100 – 7117, 103055 and 103070