



Trial Court Interpreters Program Expenditure Report for Fiscal Year 2007–2008

REPORT TO THE LEGISLATURE
February 2009



JUDICIAL COUNCIL
OF CALIFORNIA

ADMINISTRATIVE OFFICE
OF THE COURTS

I. Background

Constitutional Mandate to Provide Court Interpreting Services in Criminal Matters

Article I, section 14 of the California Constitution was amended in 1974 to provide that “[a] person unable to understand English who is charged with a crime has a right to an interpreter throughout the proceedings.” This provision establishes a mandate for the courts to provide interpreters to all defendants in criminal and delinquency matters who have limited ability to understand or speak English. In addition to the constitutional mandate, individuals that require American Sign Language interpreters also receive interpreter services free of charge.

Statutory Requirement to Report on Expenditures

The Budget Act of 2007 (Stats. 2007, ch. 171), Item 0250-101-0932 provides a schedule of appropriations from the Trial Court Trust Fund “for local assistance.” Item 4 in the 2007 schedule is the appropriation for the services of court interpreters. Item 4 provides that “the Judicial Council shall report to the Legislature and Director of Finance annually regarding expenditures from this schedule.” In fulfillment of that provision, this report details expenditures under the State Budget appropriation for court interpreters.

FY 2007–2008 Funding for Program

For fiscal year 2007–2008, the Budget Act of 2007 appropriated \$90.24 million for the provision of constitutionally mandated court interpreter services. This amount included an increase of \$4.47 million over the prior year’s baseline appropriation of \$85.77 million.

II. Eligible Expenditures

Program expenditures that qualify for reimbursement are limited to the four following items:

- (a) Contract court interpreters and their per diems, including travel;
- (b) Certified and registered court interpreters employed by the courts, including their salaries, benefits, and travel;
- (c) Court interpreter coordinators¹; and
- (d) Four court interpreter supervisor positions: two in Los Angeles County, one in Orange County, and one in San Diego County. These are the only positions funded under the program that include funding for standard operating expenses and equipment (OE&E).

The Judicial Council does not currently reimburse trial courts for the cost of supervisors, administrative overhead, or any OE&E except for the contractual services, travel, and standard complementary items noted above in items (a), (b), and (d), respectively. Trial courts must absorb all other OE&E costs and, except as noted in item (d) above, all supervisory expenditures associated with staff interpreters and court interpreter coordinators.

Attachment 1 provides a summary, by trial court, of major reimbursable categories, as stated above in items (a) through (d).

¹ Limited by Item 0250-101-0932, provision 4 of the act, to 1.0 personnel year (PY) each in counties in classes 1–15, 0.5 PY each in counties in classes 16–31, and 0.25 PY each in counties in classes 32–58. The Budget Act defines county classes based on size of population. Counties in classes 1–15 have populations greater than 500,000; counties in classes 16–31 have populations between 130,000 and 500,000; counties in classes 32–58 have populations of less than 130,000.

III. Court Reimbursement Methodology

Court interpreter funding is allocated to the trial courts on a reimbursement basis. Trial courts that are on the Phoenix Financial System submit or enter their expenditures on a regular basis and are reimbursed for their allowable expenditures to the extent that funding is available. Trial courts that are not yet using the Phoenix Financial System continue to submit their expenditures to the Administrative Office of the Courts directly on a quarterly financial statement (QFS).

Reimbursement payments are made monthly to the trial courts based on estimated year-end projections from the most recent four quarters of the QFS. At the end of the year, adjustments are made to increase or decrease final allocations to align total payments with actual eligible expenditures. For FY 2007–2008, all courts received full reimbursement of their eligible costs.

IV. Rates of Pay for Court Interpreters

The Judicial Council first established statewide standards for court interpreter compensation in January 1999, authorizing rates of pay at two defined levels: a full-day rate and a half-day rate. Three additional increases for certified and registered interpreters have been authorized and made effective, on July 1, 1999, July 1, 2000, and September 1, 2007.

A significant change to the provision of interpreter services was the enactment of Senate Bill 371 in 2002 (Stats. 2002, ch. 1047), which required trial courts to establish staff interpreter positions and to offer employment to certified and registered court interpreters under prescribed conditions. As a result, trial courts began hiring contract interpreters as staff interpreters. Therefore, since 2002 the statewide standards for interpreter pay rates no longer apply to staff interpreters, although they provide an important benchmark for negotiations. The statewide standards are now directly applicable only to contract interpreters.

Statewide Standard for Certified and Registered Contract Court Interpreters

Between July 1 and August 31, 2007, the statewide standard for certified and registered contract court interpreters was \$265 for a full day and \$147 for a half day. The full-day rate of \$265 was 32.5 percent more than the Judicial Council's first statewide full-day rate of \$200 established in 1999. Effective September 1, 2007, the Judicial Council increased the statewide standard for certified and registered interpreters to \$282.23 for a full day and \$156.56 for a half day. The new full-day rate of \$282.23 represents a 41 percent increase over the original full-day rate of \$200 (effective in January 1999).

Statewide Standard for Noncertified and Nonregistered Interpreters

During FY 2007–2008, the statewide standard for noncertified and nonregistered interpreters was \$175 for a full day and \$92 for a half day. These rates have not changed from the rates established by the Judicial Council in July 1999.

However, the rates actually paid to contract interpreters, whether certified/registered or noncertified/nonregistered, are often higher than the state standards because each contracted assignment must be individually negotiated by the local court. These negotiations are subject to the realities of supply and demand, particularly for less commonly spoken languages.

Comparison With Federal Rates

Most court interpretations in California are performed by court employees, while the federal system relies almost exclusively on contract interpreters. California court interpreters who are court employees receive health and retirement benefits that increase the value of their compensation by 30–35 percent, making their total compensation approximately comparable to the federal rates. The current federal rates for contract court interpreters are \$376 full day/\$204 half day for certified interpreters, and \$181 full day/\$100 half day for noncertified interpreters.

V. Fiscal Year 2007–2008 Reimbursed Expenditures

Shift From Contract to Staff Interpreters

Table 1 illustrates the shift in expenditures from contract per diems (full-day and half-day) to staff salaries and benefits since the enactment of Senate Bill 371. The table highlights the reimbursed expenditures by year for staff salaries and benefits, and for contractor per diems. Staff salaries and benefits, which represented 6.82 percent of interpreter costs in FY 2002–2003, represented 74.42 percent of interpreter costs in FY 2007–2008, while contract per diems decreased from 93.18 percent to 25.58 percent over the same five-year period.

However, during the one-year period from FY 2006–2007 to FY 2007–2008, there was an anomaly in the pattern of costs shifting away from contract interpreters and toward staff interpreters. Statewide, staff salary and benefit costs decreased by \$4.7 million, and contractor per diem costs increased by \$2.9 million. This change can be associated with a number of factors, including a \$2,789,260 reduction in employee court interpreter salary and benefit costs in Los Angeles during FY 2007–2008. This particular cost reduction may be in part attributed to the seven-week job action by interpreter employees in Los Angeles. During this same period Los Angeles experienced a \$78,083 decrease in total contract interpreter per diem costs.

Table 1. Shift of Reimbursed Expenditures From Contract to Staff Interpreters

	FY 2002– 2003	FY 2003– 2004	FY 2004– 2005	FY 2005– 2006	FY 2006– 2007	FY 2007– 2008
Staff Salaries and Benefits	\$4,232,730 (6.82%)	\$37,816,894 (60.11%)	\$42,788,177 (67.54%)	\$58,204,159 (75.83%)	\$66,806,489 (78.38%)	\$62,066,642 (74.42%)
Contractor Per Diems	\$57,873,346 (93.18%)	\$25,095,414 (39.89%)	\$20,568,476 (32.46%)	\$18,551,651 (24.17%)	\$18,430,851 (21.62%)	\$21,336,129 (25.58%)
Total	\$62,106,076	\$62,912,308	\$63,356,653	\$76,755,810	\$85,237,340	\$83,402,771

Additional contributing factors to the recent statewide increase in contractor per diem costs and reduction in staff salary and benefit costs include: (1) a significant increase in contractor travel costs, (2) a decline in employee interpreter willingness to accept cross-assignments, and (3) a decline in provider-courts' ability to release employee court interpreters for cross-assignment.

There has also been an increase in contract services for hard-to-find languages due to a growing need for interpreters in languages for which there are no or very few employee court interpreters.

Despite the decrease in staff interpreter costs and the increase in contract interpreter costs compared to the prior fiscal year, employee interpreters still accounted for roughly 75 percent of the total statewide cost of providing interpreter services in FY 2007–2008.

Table 2 demonstrates the 7.09 percent decrease from FY 2006–2007 to FY 2007–2008 in staff salaries and benefits and the 15.76 percent increase in contract per diem expenditures.

Table 2. Percent Change in Reimbursed Expenditures					
	FY 2002–2003 to FY 2003–2004	FY 2003–2004 to FY 2004–2005	FY 2004–2005 to FY 2005–2006	FY 2005–2006 to FY 2006–2007	FY 2006–2007 to FY 2007–2008
Staff Salaries and Benefits	893.44%	13.15%	36.02%	14.78%	-7.09%
Contractor Per Diems	-56.64%	-18.03% ²	-9.81%	-0.65%	15.76%

Expenditures for Noncertified and Nonregistered Contract Interpreters

During FY 2007–2008, statewide expenditures on per diems for noncertified contract interpreters equaled \$3,632,934 or 4.10 percent of total statewide expenditures. Statewide expenditures on per diems for nonregistered contract interpreters equaled \$1,122,433 or 1.27 percent of total statewide expenditures. Expenditures for both noncertified and nonregistered contract interpreters equaled 5.37 percent of all statewide interpreter costs. Only 2.06 percent of Los Angeles’ total court interpreter expenditures were on per diems for noncertified and nonregistered contract interpreters.

Attachment 1, columns I and J provide detailed information on noncertified and nonregistered contract interpreter expenditures for each of the 58 trial courts.

VI. Distribution of Reimbursed Expenditures by Court

Table 3 highlights the nine counties that were California’s largest providers of court interpreter services. These nine courts accounted for \$65,426,213 or more than 73 percent of the FY 2007–2008 statewide reimbursed expenditures for court interpreters. Los Angeles alone accounted for 35.24 percent of the statewide reimbursed expenditures; while southern California’s five largest courts, Los Angeles, Orange, Riverside, San Bernardino, and San Diego, together accounted for 59.88 percent of the state’s reimbursements.

² Erroneously reported as -22.01% in previous fiscal years.

Table 3. Reimbursed Expenditures by Nine Largest Providers of Court Interpreters		
County	FY 2007–08 Reimbursed Expenditures	Percent of Statewide Total
Los Angeles	\$31,180,117	35.24%
Orange	\$8,183,944	9.25%
San Diego	\$5,850,859	6.61%
San Bernardino	\$4,302,122	4.86%
Sacramento	\$3,770,282	4.26%
Riverside	\$3,461,656	3.91%
Santa Clara	\$3,192,136	3.61%
Alameda	\$2,852,623	3.22%
Fresno	\$2,632,474	2.98%
Subtotal	\$65,426,213	73.95%
<i>Statewide Total</i>	<i>\$88,473,157</i>	<i>100%</i>

VII. Conclusion

For FY 2007–2008, the state’s appropriation of program funds was sufficient to provide all courts with full reimbursement of their net allowable court interpreter costs. The statewide allowable costs, totaling \$88,473,157, expended 98.04 percent of the program’s total allocation of \$90,243,000.

However, the sufficiency of the current funding allocation is not guaranteed to meet the need for mandated court interpreter services in future years. Salary and benefit costs for staff interpreters are expected to continue to rise. The overall demand for court interpreter services is also expected to increase as the state’s limited-English-speaking population continues to grow and to include increasingly diverse languages and dialects. The AOC continues to engage in statewide recruitment efforts to meet the increasing need for qualified interpreters in our courts.

In order to ensure fair and equal access to justice, it is essential that there continue to be sufficient funding to meet the public’s growing need for court interpreter services in the California courts. The judicial branch continues to work with the Governor, the Legislature, and stakeholders to ensure that all Californians, including those who are unable to understand court proceedings because of a language barrier, are provided meaningful access to justice.

**FY 2007-2008 Court Interpreters
Program 45.45
Year-End Reimbursed Expenditures Report**

Court System	Reimbursed Employee-Related Interpreter Costs						Reimbursed Contractor-Related Interpreter Costs										Total Reimbursed Expenditures (F+O+P)
	Staff Interpreter Salaries and Benefits	Staff Interpreter Travel	CIP Arbitration Awards*	Interpreter Coordinator Reimbursed Amount**	Supervisor Salaries and Benefits and OEE*** (\$12,500/FTE)	Total Employee Related CIP Costs (A thru E)	Registered Contractor Per Diems	Certified Contractor Per Diems	Non-Registered Contractor Per Diems	Non-Certified Contractor Per Diems	ASL Contractor Per Diems	Mileage	Meals	Lodging	Total Per Diem All Contractor Types (G thru N)	Travel	
	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	
Alameda	1,898,361	-	67,844	85,310	-	2,051,515	49,612	411,273	76,935	97,122	97,896	-	-	-	732,837	68,271	2,852,623
Alpine	-	-	-	-	-	-	-	-	-	427	-	-	-	-	427	-	427
Amador	-	-	-	3,864	-	3,864	769	9,117	7,537	-	-	3,709	-	-	21,132	392	25,388
Butte	-	-	-	42,655	-	42,655	3,556	49,165	7,054	14,377	175	31,481	-	-	105,808	44,780	193,243
Calaveras	-	-	-	5,683	-	5,683	-	3,935	-	9,368	147	-	-	-	13,450	3,796	22,929
Colusa	-	-	-	18,923	-	18,923	-	85,329	-	184	1,191	-	-	-	86,704	23,173	128,800
Contra Costa	790,191	6,022	-	78,258	-	874,471	46,977	202,626	33,717	130,100	76,575	61,909	-	-	551,905	-	1,426,376
Del Norte	-	-	-	4,044	-	4,044	13,254	21,409	-	-	660	6,889	588	955	43,755	11,938	59,737
El Dorado	88,791	1,066	-	-	-	89,857	704	83,747	-	1,468	6,925	-	-	-	92,844	22,604	205,305
Fresno	2,307,544	13,330	-	85,310	-	2,406,184	23,125	21,710	27,951	96,000	44,601	-	-	-	213,387	12,903	2,632,474
Glenn	-	-	-	16,002	-	16,002	-	288	32,900	20,266	1,125	-	-	-	54,579	21,475	92,056
Humboldt	-	-	-	-	-	-	3,389	48,761	-	16,102	2,821	(34)	(25)	1,330	72,344	36,394	108,738
Imperial	402,667	2,257	-	22,294	-	427,218	1,129	78,177	-	-	-	22,498	-	491	102,295	8,688	538,201
Inyo	-	-	-	-	-	-	-	38,653	-	1,273	-	16,965	113	912	57,916	1,267	59,183
Kern	1,531,528	-	-	85,310	-	1,616,838	72,064	224,933	34,289	154,502	28,580	-	-	-	514,368	119,972	2,251,178
Kings	116,293	104	-	21,328	-	137,725	-	95,392	37,729	102	4,661	-	-	-	137,884	32,212	307,821
Lake	-	-	-	1,099	-	1,099	-	79,438	-	-	1,100	-	-	-	80,538	37,666	119,303
Lassen	-	3	-	21,328	-	21,331	10,299	4,879	-	3,529	-	11,427	34	174	30,342	-	51,673
Los Angeles	26,703,273	168,856	-	84,118	316,128	27,272,375	234,228	2,199,995	201,793	441,205	729,099	-	-	-	3,806,320	101,423	31,180,117
Madera	397,127	66	-	21,328	-	418,521	-	49,613	-	37,936	-	-	-	-	87,549	28,118	534,188
Marin	423,172	-	-	42,655	-	465,827	-	67,270	-	37,758	1,039	-	-	-	106,067	15,354	587,248
Mariposa	-	-	-	19,376	-	19,376	-	8,741	-	197	-	3,342	-	-	12,280	6,591	38,247
Mendocino	104,977	78	-	17,279	-	122,334	42,818	60,791	3,564	-	7,925	48,019	973	3,658	167,748	76,781	366,863
Merced	187,739	2,163	-	42,655	-	232,557	10,550	73,511	60,853	347,608	12,211	-	-	-	504,733	85,259	822,549
Modoc	-	-	-	-	-	-	514	415	2,450	-	-	139	-	-	3,518	-	3,518
Mono	26,241	-	-	-	-	26,241	-	3,103	-	467	-	2,771	-	-	6,341	-	32,582
Monterey	235,318	-	-	42,655	-	277,973	2,155	114,425	22,098	194,343	6,800	59,152	-	-	398,973	281	677,227
Napa	215,394	45	-	21,328	-	236,767	-	156,719	-	28,120	-	-	-	-	184,839	21,357	442,963
Nevada	-	-	-	21,328	-	21,328	1,005	23,889	3,247	8,468	429	5,297	-	-	42,336	6,435	70,099
Orange	5,458,671	1,673	-	75,459	127,480	5,663,283	52,613	1,849,905	106,546	303,648	115,884	92,065	-	-	2,520,661	-	8,183,944
Placer	-	-	-	42,655	-	42,655	24,341	279,268	6,668	7,558	4,946	-	-	-	322,781	174,920	540,356
Plumas	-	-	-	9,827	-	9,827	7,291	-	1,470	-	899	7,872	68	287	17,887	11,178	38,892
Riverside	1,473,306	1,829	-	74,073	-	1,549,208	61,742	1,225,988	22,878	60,634	139,946	307,101	1,420	9,836	1,829,545	82,903	3,461,656
Sacramento	2,393,146	46,217	-	85,310	-	2,524,673	238,798	480,835	41,723	175,006	94,765	-	-	-	1,031,127	214,482	3,770,282
San Benito	-	-	-	-	-	-	-	87,294	-	92	-	-	-	-	87,386	-	87,386
San Bernardino	3,257,934	-	-	85,310	-	3,343,244	34,243	706,295	43,538	7,481	69,254	-	80	6,552	867,443	91,435	4,302,122
San Diego	5,057,729	6,860	-	85,310	68,819	5,218,718	100,298	189,812	78,745	110,323	105,867	-	-	-	585,045	47,096	5,850,859
San Francisco	1,249,221	9,670	-	83,938	-	1,342,829	31,739	383,077	36,786	104,034	58,846	-	-	-	614,482	33,740	1,991,051
San Joaquin	692,094	14,846	-	85,310	-	792,250	57,421	380,056	11,208	76,265	13,012	-	-	-	537,962	86,568	1,416,780
San Luis Obispo	1,423	-	-	40,617	-	42,040	92	219,094	19,505	-	7,937	-	-	-	246,628	1,723	290,391
San Mateo	913,691	370	-	78,684	-	992,745	29,074	102,271	22,790	144,254	4,765	23,035	-	-	326,189	4	1,318,938
Santa Barbara	498,033	225	-	39,590	-	537,848	3,366	365,593	45,480	20,689	6,655	-	-	2,750	444,533	46,362	1,028,743
Santa Clara	2,252,004	3,397	15,786	85,310	-	2,356,497	18,352	249,897	31,879	397,218	43,411	82,359	764	3,222	827,102	8,537	3,192,136
Santa Cruz	606,447	635	-	42,655	-	649,737	847	20,043	10,254	1,221	18,475	8,516	-	-	59,356	4,720	713,813
Shasta	-	-	-	42,655	-	42,655	5,543	27,997	265	26,097	20,954	45,145	4,335	5,894	136,230	51,334	230,219
Sierra	-	-	-	-	-	-	-	2,696	-	-	-	482	-	-	3,178	-	3,178
Siskiyou	-	-	-	15,199	-	15,199	13,214	14,590	-	8,379	-	-	-	-	36,183	33,098	84,480
Solano	190,141	-	-	42,655	-	232,796	19,878	44,940	16,104	88,976	5,113	-	-	-	175,011	25,910	433,717
Sonoma	685,480	261	-	42,655	-	728,396	25,555	170,250	22,531	131,573	48,367	-	-	-	398,276	70,612	1,197,284
Stanislaus	441,158	-	-	42,655	-	483,813	16,097	145,461	28,095	58,018	13,797	-	-	-	261,468	33,381	778,662
Sutter	179,934	667	-	21,328	-	201,929	12,655	12,992	3,572	3,180	4,564	14,688	-	-	51,651	8,649	262,229
Tehama	85,129	-	-	19,387	-	104,516	-	6,776	-	10,759	-	-	-	-	20,065	1,955	126,536
Trinity	-	-	-	6,669	-	6,669	-	2,015	-	6,444	-	-	-	-	13,034	4,479	24,182
Tulare	570,552	1,544	-	42,655	-	614,751	16,647	115,917	25,993	236,640	35,666	-	-	205	430,863	78,326	1,123,940
Tuolumne	-	-	-	18,104	-	18,104	282	7,239	-	525	986	-	-	-	9,032	2,686	29,822
Ventura	535,156	3,338	-	85,310	-	623,804	21,753	699,852	12,886	6,518	8,828	-	-	-	749,837	48,395	1,422,036
Yolo	96,778	-	-	42,655	-	139,433	98,320	317,857	10,978	12,777	10,068	-	-	-	450,000	70,051	659,484
Yuba	-	-	-	21,328	-	21,328	8,828	23,992	792	147	764	15,432	-	-	49,955	7,700	78,983
Total:	62,066,642	285,523	83,630	2,161,433	512,427	65,109,656	1,417,440	12,386,348	1,122,433	3,632,934	1,857,729	874,629	8,350	36,266	21,336,129	2,027,373	88,473,157

* Superior Court of San Francisco County's arbitration award amount is included in Staff Interpreter Salaries and Benefits amount.

** Provisional budget language limits reimbursable coordinator positions (from 0.25 to 1.0) based on county population.

*** Supervisor salary and benefits and operating expenses and equipment are provided to Los Angeles, Orange, and San Diego, under a FY 2002-2003 BCP in support of SB 371.