



# Trial Court Interpreters Program Expenditure Report for Fiscal Year 2006–2007

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REPORT TO THE LEGISLATURE  
March 2008



JUDICIAL COUNCIL  
OF CALIFORNIA

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ADMINISTRATIVE OFFICE  
OF THE COURTS

## I. Background

### **Constitutional Mandate to Provide Court Interpreting Services in Criminal Matters**

Article 1 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.

### **Statutory Requirement to Report on Expenditures**

The Budget Act of 2006 (Stats. 2006, ch. 47–48), Item 0250-101-0932 provides a schedule of individual allocations to be paid from the Trial Court Trust Fund “for local assistance.” Item 4 in the 2006 schedule is the allocation for court interpreters. Under the provisions for each of the scheduled items, provision 4 requires 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 allocation for court interpreters.

### **FY 2006–07 Funding for Program**

For fiscal year 2006–2007, the Budget Act of 2006 allocated \$85.77 million for the provision of constitutionally mandated court interpreter services. This amount included an increase of \$3.039 million over the prior year’s baseline allocation of \$82.73 million.

## II. Eligible Expenditures

Qualifying program expenditures are limited to the four following items:

- (a) Contract court interpreters and their per diem, including travel;
- (b) Staff interpreters (those employed by the trial courts), benefits, and travel;
- (c) Court interpreter coordinators<sup>1</sup>; 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 complement 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.

## III. Court Reimbursement Methodology

Court interpreter funding is pooled in a statewide account and allocated to the trial courts on a reimbursement basis. The trial courts submit their expenditures quarterly 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

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<sup>1</sup> Limited by item 0250-101-0932, provision 4 of the act, to 1 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 130,000–500,000; counties in classes 32–58 have populations of less than 130,000.

Office of the Courts directly on a quarterly financial statement (QFS). Attachment 1 provides a summary, by trial court, of major reimbursable categories, as stated above in items (a) through (d).

In addition, each trial court reports its nonallowable personal services costs along with grants and reimbursements that offset some of its otherwise qualifying expenditures. The difference between those amounts and the court's total gross expenditures on the qualifying line items equals the total net allowable reimbursement allocated to each court under the program.

Allocation 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 net allowable expenditures. For FY 2006–2007, all courts received full reimbursement of their net allowable costs.

#### IV. Rates of Pay for Court Interpreters

The Judicial Council first established statewide standards for court interpreter compensation in 1999, authorizing rates of pay at two defined levels: a full-day rate and a half-day rate. Three additional increases 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 qualified 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 Interpreters**

For the first quarter of FY 2006–2007, the statewide standard for certified and registered 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 is a 41 percent increase over the original full day rate of \$200 (effective in 1999).

#### **Statewide Standard for Noncertified and Nonregistered Interpreters**

During FY 2006–2007, the statewide standard for noncertified and nonregistered interpreters was \$175 for a full day and \$92 for a half day, *as determined by the local trial court*. These rates have not changed from the rates originally established by the Judicial Council in 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. In comparison to California's statewide standards, current federal rates for contractors are \$376 full day/\$204 half day for certified interpreters, and \$181 full day/\$100 half day for noncertified interpreters. Although the federal rates are higher than California's rates for contract interpreters,

it is important to remember that most court interpretations in California are performed by state employees. California court interpreters who are state employees receive health and retirement benefits that increase the value of their compensation by 30–35 percent above the daily rate, making them approximately comparable to the federal rate.

#### V. Fiscal Year 2006—2007 Expenditures

For FY 2006–2007, total gross expenditures reported statewide for all allowable court interpreting costs were \$87.314 million. Adjustments to this amount included an increase of \$50,000 to provide for supervisory OE&E for the three courts identified in item (d) above, and a reduction of \$1.625 million in interpreter coordinator costs that were above the limit, as explained in item (c). The total was further reduced by \$2.575 million in court reimbursements and grants from other funding sources. Combined, these adjustments constituted a reduction of \$4.150 million, resulting in a net statewide allowable expenditure of \$83.163 million<sup>2</sup>:

\$87,314,205	Gross court expenditures
+\$50,000	Court supervisory OE&E
-\$1,625,060	Court coordinator costs above limit
-\$2,575,540	Court reimbursements and grant
\$83,163,605	Net statewide allowable expenditures

#### Shift From Contract to Staff Interpreters

Table 1 illustrates the significant shift in expenditures from contract per diems (full day and half day) to staff salaries and benefits since enactment of SB 371. The table highlights the gross expenditures by year for salaries, benefits, and contractor per diems. Staff salaries and benefits, which represented only 6.82 percent of interpreter costs in FY 2002–2003, represented 78.38 percent of interpreter costs in FY 2006–2007, while contract per diems decreased from 93.18 percent to 21.62 percent over the same four-year period.<sup>2</sup>

	FY 2002–2003	FY 2003–2004	FY 2004–2005	FY 2005–2006	FY 2006–2007
Gross Staff Salaries	\$4,118,601	\$34,729,477	\$38,956,263	\$44,380,894	\$47,954,418
Gross Benefits	114,129	3,087,417	3,831,914	13,823,265	18,852,071
Contract Per Diems	57,873,346	25,095,414	20,568,476	18,551,651	18,430,851
Total	\$62,106,076	\$62,912,308	\$63,356,653	\$76,755,810	\$85,237,340

<sup>2</sup> This amount equals the net statewide program total reported on attachment 1, under, “Net Adjusted Allowable Expenditures Not Reimbursed by Other Funds.”

<sup>2</sup> Totals for FY 2006–2007 are reflected on attachment 1, columns 1, 2, and 15. They do not include costs for travel, shown on attachment 1, column 6.

Gross Salary & Benefits	6.82%	60.11%	67.54%	75.83%	78.38%
Contract	93.18%	39.89%	32.46%	24.17%	21.62%

For fiscal years 2003–2004 and 2004–2005, benefits for the newly created positions were limited to workers’ compensation, unemployment insurance, and OASDI (Old Age, Survivors, and Disability Insurance a.k.a. Social Security). However, for FY 2005–2006 and beyond, full benefits were secured through the collective bargaining process. As a result, benefit costs increased sharply for FY 2005–2006, as can be seen in table 2 below, which presents year-to-year percentage change in line item 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
Gross Staff Salaries	743.23%	12.17%	13.92%	8.05%
Gross Benefits	2605.20%	24.11%	260.74%	36.38%
Contract Per Diems	-56.64%	-22.01%	-9.81%	-1.00%

Table 2 also demonstrates the continuing trend of interpreters electing to become court employees, which subsequently increases expenditures for both gross staff salaries and gross staff benefits while expenditures for contract per diems decrease.

#### VI. Distribution of Expenditures by County

Attachment 1 presents detailed expenditures for each of the state’s 58 counties. Table 3 highlights the nine counties that were California’s largest providers of court interpreter services. These nine counties accounted for more than 75 percent of the FY 2006–2007 statewide net adjusted allowable expenditure of \$83,163,606 for court interpreters. Los Angeles alone accounted for 39.1 percent of the statewide expenditures and southern California’s five largest counties, Los Angeles, Orange, Riverside, San Bernardino, and San Diego, together accounted for 62.1 percent of the state’s expenditures.

<b>Table 3. Expenditures by Nine Largest Providers of Court Interpreters</b>		
<b>County</b>	<b>FY 2006–07 Net Adjusted Allowable Expenditure</b>	<b>Percent of Statewide Total</b>
Los Angeles	\$32,578,638	39.10%
Orange	\$7,062,695	8.50%
San Diego	\$5,291,694	6.40%
San Bernardino	\$3,813,786	4.60%
Sacramento	\$3,396,314	4.10%
Santa Clara	\$2,956,445	3.60%
Riverside	\$2,920,848	3.50%
Fresno	\$2,426,024	2.90%
Alameda	\$2,261,196	2.70%
<b>Subtotal</b>	<b>\$62,707,640</b>	<b>75.40%</b>
<i>Statewide Total</i>	<i>\$83,163,606</i>	<i>100%</i>

## VII. Conclusion

For FY 2006–2007, program funds were sufficient to provide all courts with full reimbursement of their net allowable court interpreter costs. The statewide net allowable costs, totaling \$83,163,606, expended 97 percent of the program’s total allocation of \$85,770,000.

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 benefits 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. The AOC is currently engaged in statewide court interpreter recruitment efforts to meet the increasing need for interpreters.

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.

Fiscal Year 2006-2007  
 Court Interpreters  
 Program 45.45  
 Year-End Expenditures Report\*

ATTACHMENT 1

	1	2	3 (1+2)	4	5	6 (4+5)	7	8	9	10	11	12	13	14	15 (7 THRU 14)	16 (3+6+15)	17	18	19 (16+17+18)	20	21 (19+20)
Court	Staff Salaries **	Staff Benefits**	Total Staff Salaries & Benefits	Staff Interpreter Travel	Contract Interpreter Travel	Total All Travel	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	Total Gross Expenditures of All Allowable Line Items	Adjustment for Supervisor OE&E***	Less Adjustment for Coordinator Expenditures in Excess of Cap	Expenditures as Adjusted for OE&E and Excess Coordinator Cap	Less Reimbursed Grants	Net Adjusted Allowable Expenditures Not Reimbursed by Other Funds
Alameda	1,357,358	502,780	1,860,138	-	62,391	62,391	46,372	401,344	64,496	77,327	81,214	-	-	-	670,753	2,593,282	-	(319,815)	2,273,467	(12,271)	2,261,196
Alpine	-	-	-	-	-	-	-	1,977	-	265	-	-	253	-	2,496	2,496	-	-	2,496	-	2,496
Amador	-	-	-	-	800	800	530	7,548	6,905	-	-	-	1,921	-	16,904	17,704	-	-	17,704	-	17,704
Butte	51,231	26,540	77,771	224	47,120	47,344	3,539	58,860	7,684	4,545	4,010	35,530	-	-	114,168	239,283	-	(35,183)	204,101	(25,238)	178,863
Calaveras	3,391	1,703	5,094	-	2,150	2,150	790	265	-	5,170	492	-	-	-	6,717	13,961	-	-	13,961	-	13,961
Colusa	11,505	4,304	15,809	-	16,836	16,836	530	80,409	-	412	-	-	-	-	81,351	113,996	-	-	113,996	-	113,996
Contra Costa	573,271	227,136	800,407	7,924	48,264	56,188	45,809	272,502	32,992	42,674	75,223	-	-	-	469,200	1,325,795	-	-	1,325,795	(60,717)	1,265,078
Del Norte	2,153	836	2,989	-	10,789	10,789	25,009	-	-	-	-	-	-	-	25,009	38,787	-	-	38,787	-	38,787
El Dorado	61,069	24,020	85,089	673	17,331	18,004	3,849	81,455	559	532	5,657	28	-	-	92,080	195,173	-	-	195,173	(14,165)	181,008
Fresno	1,518,425	628,552	2,146,977	18,763	12,107	30,870	33,662	20,018	50,182	114,566	44,130	-	-	-	262,558	2,440,405	-	(14,293)	2,426,112	(88)	2,426,024
Glenn	9,821	4,275	14,096	63	24,607	24,670	-	59,680	-	17,650	-	-	-	-	77,330	116,096	-	-	116,096	(19,218)	96,878
Humboldt	-	-	-	42	5,871	5,913	4,737	12,129	200	25,880	1,693	614	50	-	45,303	51,216	-	-	51,216	-	51,216
Imperial	300,999	104,263	405,262	334	24,916	25,250	-	98,636	-	1,045	-	-	3,743	-	103,870	534,382	-	-	534,382	(37,266)	497,116
Inyo	-	-	-	-	7,555	7,555	10,871	10,230	2,566	756	-	-	-	3,903	28,584	36,139	-	-	36,139	-	36,139
Kern	941,338	514,980	1,456,318	158	92,386	92,544	-	162,719	-	260,884	16,488	-	-	-	440,091	1,988,953	-	-	1,988,953	(18,398)	1,970,555
Kings	70,300	18,265	88,565	367	16,864	17,231	-	62,402	43,435	473	7,412	-	-	-	113,722	219,518	-	-	219,518	(15,533)	203,985
Lake	3,164	121	3,285	28,879	-	28,879	69,478	-	-	1,540	-	-	-	-	71,018	103,182	-	-	103,182	-	103,182
Lassen	16,848	6,126	22,974	-	13,421	13,421	419	14,260	-	1,944	600	-	-	-	17,223	53,618	-	(1,680)	51,938	-	51,938
Los Angeles	21,507,131	7,985,402	29,492,533	185,591	84,341	269,932	198,685	2,535,940	203,182	259,732	686,864	-	-	-	3,884,403	33,646,868	25,000	-	33,671,868	(1,093,230)	32,578,638
Madera	326,145	100,473	426,618	601	6,410	7,011	-	18,063	-	28,484	-	-	-	-	46,547	480,176	-	-	480,176	(15,459)	464,717
Marin	349,565	100,461	450,026	-	13,581	13,581	147	90,074	-	16,372	-	-	-	-	106,593	570,200	-	(20,281)	549,920	(5,585)	544,335
Mariposa	-	-	-	160	2,056	2,216	-	14,887	-	412	-	-	1,294	-	16,893	18,809	-	-	18,809	-	18,809
Mendocino	71,959	39,171	111,130	-	8,275	8,275	48,808	41,047	8,229	-	9,512	16,291	-	78	123,965	243,370	-	-	243,370	-	243,370
Merced	146,305	97,645	243,950	90	69,171	69,261	6,294	71,316	30,910	244,833	6,379	-	-	-	359,732	672,943	-	-	672,943	-	672,943
Modoc	-	-	-	-	-	-	617	-	4,345	990	-	-	-	-	5,952	5,952	-	-	5,952	(700)	5,252
Mono	23,983	1,994	25,977	-	868	868	-	2,987	350	200	-	-	1,652	-	5,189	32,034	-	-	32,034	-	32,034
Monterey	170,621	56,800	227,421	-	61,727	61,727	5,715	188,653	19,570	206,297	18,700	-	-	-	438,935	728,083	-	(31,048)	697,036	(38,302)	658,734
Napa	95,180	35,958	131,138	35	26,871	26,906	-	172,477	-	42,377	-	-	-	-	214,854	372,898	-	-	372,898	(13,775)	359,123
Nevada	18,795	9,992	28,787	-	245	245	2,202	22,026	7,887	10,377	265	3,499	-	7,227	53,483	82,515	-	(7,493)	75,022	-	75,022
Orange	3,837,348	1,414,056	5,251,404	1,145	-	1,145	85,468	1,576,971	103,025	156,043	78,209	60,982	-	-	2,060,698	7,313,247	12,500	(22,816)	7,302,931	(240,236)	7,062,695
Placer	10,124	1,997	12,121	126	72,221	72,347	57,272	256,027	2,663	19,432	4,915	-	-	-	340,309	424,777	-	-	424,777	(7,140)	417,637
Plumas	-	-	-	-	9,202	9,202	4,833	4,383	2,709	-	1,284	4,546	-	-	17,755	26,957	-	-	26,957	-	26,957
Riverside	1,632,973	601,202	2,234,175	18,740	143,781	162,521	44,898	727,215	6,580	52,849	104,837	3,244	14	231	939,868	3,336,564	-	(252,538)	3,084,026	(163,178)	2,920,848
Sacramento	1,868,114	732,410	2,600,524	41,547	164,444	205,991	228,315	360,923	50,858	119,859	72,679	-	-	-	832,634	3,639,149	-	(194,445)	3,444,704	(48,390)	3,396,314
San Benito	-	-	-	-	-	-	-	84,008	-	365	-	-	-	-	84,373	84,373	-	-	84,373	(8,499)	75,874
San Bernardino	2,298,493	837,824	3,136,317	12,576	95,665	108,241	17,739	483,646	33,977	14,869	65,897	-	-	-	616,128	3,860,686	-	-	3,860,686	(46,900)	3,813,786
San Diego	3,367,634	1,668,480	5,036,114	17,263	-	17,263	41,700	194,602	64,867	78,768	83,401	-	-	-	463,338	5,516,715	12,500	-	5,529,215	(237,521)	5,291,694
San Francisco	861,785	482,341	1,344,126	10,389	33,438	43,827	79,715	314,555	38,807	93,584	37,031	-	-	-	563,892	1,951,645	-	(120,363)	1,831,282	(66,128)	1,765,154
San Joaquin	511,035	194,717	705,752	10,791	73,512	84,303	40,950	321,903	15,718	38,583	42,092	-	-	-	459,246	1,249,301	-	-	1,249,301	-	1,249,301
San Luis Obispo	46,048	18,026	64,074	353	3,433	3,786	300	190,458	11,645	6,032	6,580	-	-	-	215,015	282,875	-	-	282,875	(5,000)	277,875
San Mateo	801,429	350,800	1,152,229	-	24,090	24,090	30,902	70,247	21,978	181,314	15,002	-	-	-	319,443	1,495,762	-	-	1,495,762	-	1,495,762
Santa Barbara	426,732	112,317	539,049	17,444	3,411	20,855	6,977	328,338	-	32,527	15,022	13,487	19,350	781	416,882	976,386	-	-	976,386	(7,433)	968,953
Santa Clara	1,651,781	800,178	2,451,959	-	55,593	55,593	25,571	268,994	34,548	405,018	39,149	24,690	331	893	799,194	3,306,746	-	(196,158)	3,110,588	(154,143)	2,956,445
Santa Cruz	492,589	173,678	666,267	61	5,982	6,043	1,114	11,140	9,974	2,620	10,798	1,887	-	-	37,533	709,843	-	(18,882)	690,962	(62,147)	628,815
Shasta	33,901	12,759	46,660	155	24,303	24,458	4,437	35,216	7,081	20,216	21,698	27,808	2,340	1,420	120,216	191,334	-	(4,072)	187,263	(11,574)	175,689
Sierra	-	-	-	-	238	238	-	2,831	-	-	-	-	-	-	2,831	3,069	-	-	3,069	(1,326)	1,743
Siskiyou	9,981	1,142	11,123	133	28,914	29,047	8,583	17,896	200	7,569	-	-	-	-	34,248	74,418	-	-	74,418	-	74,418
Solano	181,752	70,892	252,644	80	22,375	22,455	10,063	75,212	12,670	96,096	5,334	-	-	-	199,375	474,474	-	-	474,474	(10,128)	464,346
Sonoma	582,160	266,738	848,898	4,242	36,806	41,048	22,547	107,674	18,828	121,292	27,891	-	-	-	298,232	1,188,178	-	(165,019)	1,023,160	(4,390)	1,018,770
Stanislaus	348,232	123,313	471,545	341	29,384	29,725	17,302	121,384	12,760	44,221	16,202	-	-	-	211,869	713,139	-	(91,387)	621,753	(26,288)	595,465
Sutter	166,304	81,486	247,790	-	17,763	17,763	8,044	35,517	1,605	2,247	4,520	-	-	-	59,464	325,017	-	(24,010)	301,007	-	301,007
Tehama	91,252	9																			