

Trial Court
Interpreters Program
Expenditure Report
for Fiscal Year
2008–2009

REPORT TO THE LEGISLATURE
January 2010



JUDICIAL COUNCIL
OF CALIFORNIA

ADMINISTRATIVE OFFICE
OF THE COURTS

I. Summary

- The amount of \$92,793,481 was appropriated in total for the provision of court interpreter services (program 45.45) for FY 2008–2009.
- Reimbursement for eligible court interpreter expenditures totaled \$93,705,374 in FY 2008–2009.
- Eligible expenditures were \$911,893 greater than the total appropriation; the funding shortfall was covered by one-time funding allocated by the Judicial Council.
- The rate of increase in eligible court interpreter program expenditures, while still significant, is slowing. The increase from FY 2007–2008 to FY 2008–2009 was 5.91 percent.
- Total staff expenditures (\$69.8 million) accounted for 74.53 percent of the eligible expenditures, and total contractor costs (\$23.8 million) accounted for 25.47 percent of eligible expenditures.
- Expenditures for noncertified and nonregistered interpreters represented 4.77 percent of statewide eligible interpreter costs.

II. 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, under federal law individuals with hearing disabilities who require sign language interpreters are required to be provided interpreter services free of charge in all court proceedings.

Statutory Requirement to Report on Expenditures

The Budget Act of 2008 (Stats. 2008, ch. 268), Item 0250-101-0932, provides a schedule of appropriations from the Trial Court Trust Fund for local assistance. Schedule (4) is the appropriation for the services of court interpreters. Provision 4 provides that “the Judicial Council shall report to the Legislature and Director of Finance annually regarding expenditures” from schedule (4). In fulfillment of that provision, this report details trial court expenditures for court interpreters.

Program Funding

For FY 2008–2009, the Budget Act of 2008 appropriated \$91,585,000 for the provision of court interpreter services. A budget revision was approved to increase the total appropriation for total program 45.45 by \$1,208,481 to accurately reflect budgetary adjustments due to the Consumer Price Index and retirement savings. The revised appropriation of \$92,793,481 represents an increase of \$2.55 million (or approximately 2.8 percent) over the prior year’s baseline appropriation of \$90.24 million. Despite this increase, the total appropriation fell short of the eligible court expenditures for court interpreter services. During FY 2008–2009, eligible

expenditures totaled \$93,705,374, or \$911,893 above the total appropriation. The Judicial Council allocated one-time funding of up to \$1 million to cover the anticipated shortfall.

III. Eligible Expenditures

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

1. Contract court interpreters and their per diems, including travel;
2. Certified and registered court interpreters employed by the courts, including their salaries, benefits, and travel;
3. Court interpreter coordinators;¹ and
4. 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 (1), (2), and (4), respectively. Trial courts must absorb all other OE&E costs and, except as noted in item (4) 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 (1)–(4).

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 increases in pay 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. The statewide standards are now directly applicable only to contract interpreters.

Statewide Standard for Certified and Registered Contract Court Interpreters

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 full-day rate of

¹ Limited by Item 0250-101-0932, provision 4 of the 2008 Budget 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; and counties in classes 32–58 have populations of less than 130,000.

\$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 2008–2009, the statewide standard for noncertified and nonregistered interpreters remained \$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 contractors who can interpret in less commonly spoken languages.

Comparison With Federal Rates

Total compensation for California employee court interpreters is comparable to federal rates. California employee court interpreters receive health and retirement benefits that increase the total value of their compensation by 30–35 percent. The current federal rates for contract court interpreters are \$384 full day/\$208 half day for certified interpreters and \$185 full day/\$102 half day for noncertified interpreters. While the federal system relies almost exclusively on contract interpreters, most court interpretations in California are performed by court employees.

V. FY 2008–2009 Reimbursed Expenditures

Shift From Contract to Staff Interpreters

Table 1 highlights the reimbursed expenditures by year for staff expenditures and contractor expenditures. Total staff expenditures, which represented 66.22 percent of interpreter costs in FY 2004–2005, represent 74.53 percent of interpreter costs in FY 2008–2009. Conversely, contract expenditures decreased from 33.78 percent to 25.47 percent. These figures illustrate that since FY 2005–2006 roughly 75 percent of reimbursed expenditures have been used for staff costs and 25 percent for contractor costs. This pattern suggests that the effects of Senate Bill 371 were realized within the first two years after implementation and that the proportion of dollars spent on staff interpreter costs versus contract interpreter costs has stabilized at approximately three to one.

Table 1. Shift of Reimbursed Expenditures From Contract to Staff Costs					
	FY 2004–2005	FY 2005–2006	FY 2006–2007	FY 2007–2008	FY 2008–2009
Total Staff Expenditures* ²	\$40,634,347 (66.22%)	\$57,661,117 (75.96%)	\$65,614,621 (78.90%)	\$65,109,655 (73.59%)	\$69,842,707 (74.53%)
Total Contractor Expenditures*	\$20,723,893 (33.78%)	\$18,249,522 (24.04%)	\$17,548,984 (21.10%)	\$23,363,502 (26.41%)	\$23,862,667 (25.47%)
Total	\$61,358,240	\$75,910,639	\$83,163,606	\$88,473,157	\$93,705,374

² *Figures for staff and contractor expenditures are calculated to include all related costs, including benefits for staff and travel costs for staff and for contractors, respectively.

Expenditures for Noncertified and Nonregistered Contract Interpreters

During FY 2008–2009, statewide expenditures on per diems for noncertified contract interpreters equaled \$3,408,555 or 3.64 percent of total statewide expenditures. Statewide expenditures on per diems for nonregistered contract interpreters equaled \$1,058,954 or 1.13 percent of total statewide expenditures. Expenditures for both noncertified and nonregistered contract interpreters equaled 4.77 percent of all statewide interpreter costs. It is notable that only 1.55 percent of Los Angeles County’s total court interpreter expenditures were on per diems for noncertified and nonregistered contract interpreters, indicating the greater availability of certified and registered interpreters in the Los Angeles metropolitan area compared to other areas of the state. Attachment 1, columns J and K, provide detailed information for FY 2008–2009 nonregistered and noncertified contract interpreter expenditures for each of the 58 trial courts.

Table 2 below shows annual expenditures during the past three years for the compensation (excluding travel) of noncertified and nonregistered interpreters, compared to total statewide eligible expenditures for court interpreter services. The annual percentages vary from a high of 5.37 percent to a low of 4.75 percent, with an average of 4.96 percent spent for noncertified and nonregistered interpreter compensation during the three-year period.

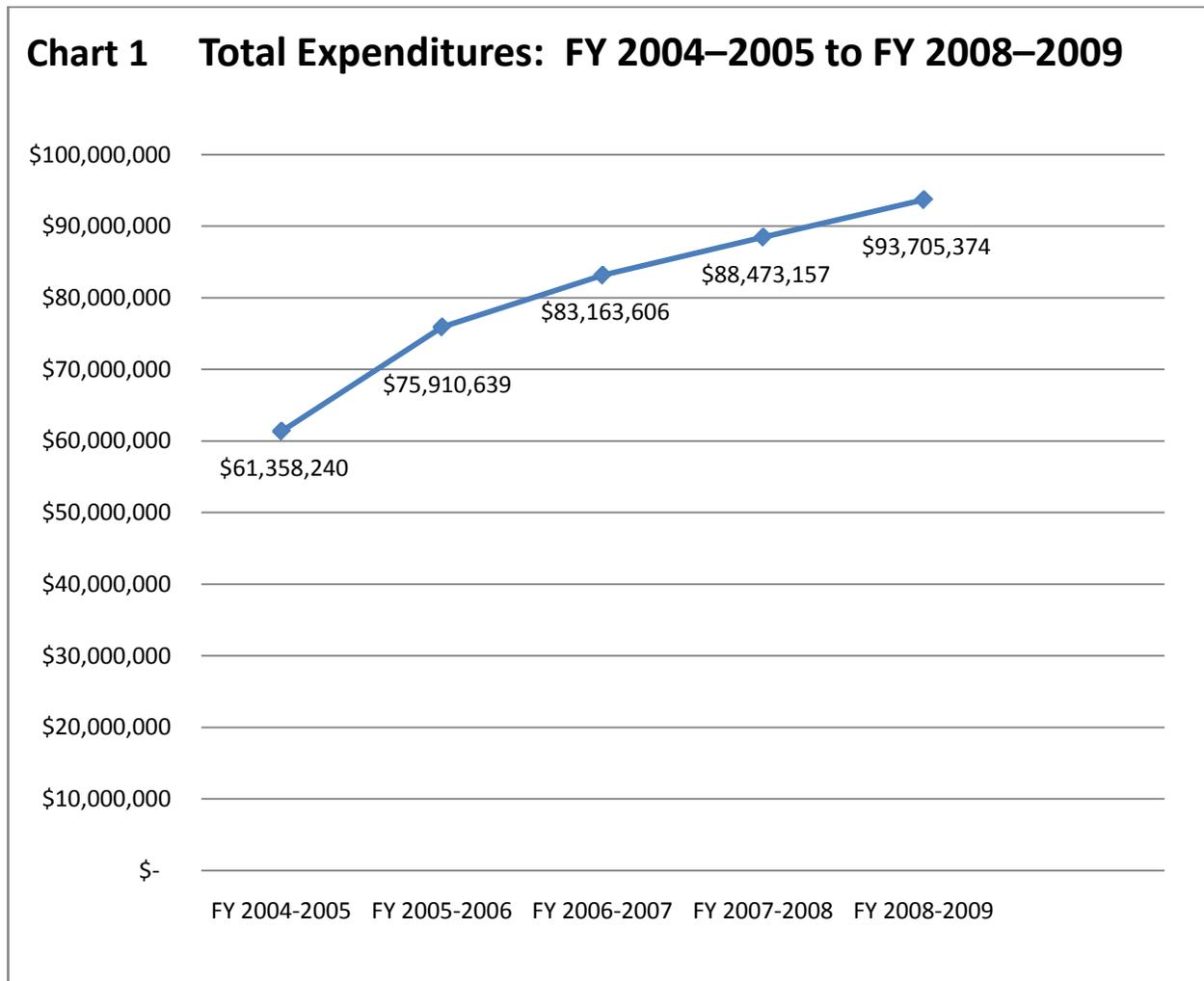
Table 2. Expenditures for Noncertified and Nonregistered Contract Interpreters and Percentage of Total Expenditures			
	FY 2006–2007	FY 2007–2008	FY 2008–2009
Noncertified Expenditures	\$2,986,770 (3.59%)	\$3,632,934 (4.11%)	\$3,408,555 (3.64%)
Nonregistered Expenditures	\$963,548 (1.16%)	\$1,122,433 (1.27%)	\$1,058,954 (1.13%)
Combined Expenditures	\$3,950,318 (4.75%)	\$4,755,367 (5.37%)	\$4,467,509 (4.77%)

Increasing Court Interpreter Expenditures

Allowable court interpreter expenditures continue to increase from fiscal year to fiscal year, although the rate of increase appears to be slowing (see Table 3). While the average percentage increase during the past four fiscal years is 11.39 percent, this is skewed by the large increase from FY 2004–2005 to FY 2005–2006. As Table 3 shows, the rate of increase for the following three years fell significantly, with successively smaller rates of increase each year. The rate of increase from FY 2007–2008 to FY 2008–2009 was 5.91 percent.

Table 3. Percentage Change in Statewide Reimbursed Expenditures			
FY 2004–2005 to FY 2005–2006	FY 2005–2006 to FY 2006–2007	FY 2006–2007 to FY 2007–2008	FY 2007–2008 to FY 2008–2009
+23.72%	+9.55%	+6.38%	+5.91%

Chart 1 depicts total reimbursed court interpreter expenditures since FY 2004–2005.



VI. Distribution of Reimbursed Expenditures by Largest Court Providers

Table 4 highlights the 11 courts that were California’s largest providers of court interpreter services in FY 2008–2009. These 11 courts accounted for \$73,929,873, or roughly 79 percent, of the reimbursed expenditures for court interpreters. The Superior Court of Los Angeles County alone accounted for 35.22 percent of the reimbursed expenditures, while southern California’s five

largest courts—the Superior Courts of Los Angeles, Orange, San Diego, San Bernardino, and Riverside Counties—together accounted for 60.60 percent of the state’s reimbursements.

Table 4. Reimbursed Expenditures by the 11 Largest Providers of Court Interpreters		
Superior Court	FY 2008–2009 Reimbursed Expenditures	Percentage of Statewide Total
Los Angeles	\$33,005,166	35.22%
Orange	\$9,081,850	9.69%
San Diego	\$6,100,585	6.51%
San Bernardino	\$4,728,528	5.05%
Riverside	\$3,868,101	4.13%
Sacramento	\$3,536,072	3.77%
Santa Clara	\$3,312,402	3.53%
Alameda	\$3,188,489	3.40%
Fresno	\$2,683,294	2.86%
Kern	\$2,331,692	2.49%
San Francisco	\$2,093,694	2.23%
Subtotal	\$73,929,873	78.90%
Statewide Total	\$93,705,374	100%

VII. Conclusion

In FY 2008–2009, the state appropriation was insufficient to provide all courts with full reimbursement of their allowable court interpreter costs. As a result, the Judicial Council allocated additional one-time supplemental funding in the amount of \$911,893 to cover the shortfall in order to fully reimburse all courts.

Court interpreter services must be provided in constitutionally mandated cases regardless of the state budget appropriation for such services. Failure to address a shortfall in funding will place a significant financial burden on the courts and may have adverse effects on the delivery of mandated court interpreter services across the state.

During these difficult budget times, 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 will continue 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 2008-2009 Court Interpreters
Program 45.45 Year-End Reimbursed Expenditures

Court System	Reimbursed Employee-Related Interpreter Costs							Reimbursed Contractor-Related Interpreter Costs								Total Reimbursed Expenditures (G + O)
	Staff Interpreter Salaries & Benefits	Staff Interpreter Travel	Total Staff Interpreter Salary, Benefits & Travel	CIP Arbitration Awards	Interpreter Coordinator Reimbursed Amount*	Supervisor's Salaries, Benefits & OE & E** (\$12,500/FTE)	Total Employee-Related Reimbursable Costs (C thru F)	Registered Contractor Per Diem	Certified Contractor Per Diem	Non-Registered Contractor Per Diem	Non-Certified Contractor Per Diem	ASL Contractor Per Diem	Total Contractor Per Diems	Contractor Travel/Mileage/Meals & Lodging	Total Contractor Costs	
	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P
Alameda	2,142,598	1,091	2,143,689		78,249	-	2,221,938	75,524	482,915	66,130	85,350	139,887	849,806	116,745	966,551	3,188,489
Alpine	-	-	-		-	-	-	-	774	-	532	-	1,306	-	1,306	1,306
Amador	-	-	-		6,421	-	6,421	-	18,358	902	-	200	19,460	13,795	33,255	39,676
Butte	-	-	-		35,383	-	35,383	1,628	50,433	12,730	8,125	157	73,073	71,796	144,869	180,252
Calaveras	-	-	-		6,448	-	6,448	157	11,046	-	7,508	393	19,104	6,070	25,174	31,622
Colusa	-	-	-		21,426	-	21,426	-	88,661	-	267	157	89,085	24,062	113,147	134,573
Contra Costa	946,104	-	946,104		74,622	-	1,020,726	62,782	177,091	29,940	113,545	38,236	421,594	50,925	472,519	1,493,245
Del Norte	-	-	-		4,923	-	4,923	-	37,449	-	-	240	37,689	15,466	53,155	58,078
El Dorado	88,626	-	88,626		-	-	88,626	747	78,280	-	2,756	1,881	83,664	21,074	104,738	193,364
Fresno	2,369,772	33,991	2,403,763		85,705	-	2,489,468	20,035	25,713	27,370	72,277	37,863	183,258	10,568	193,826	2,683,294
Glenn	-	-	-		16,772	-	16,772	-	43,386	-	19,020	-	62,406	25,092	87,498	104,270
Humboldt	-	-	-		21,021	-	21,021	(111)	68,023	175	-	4,835	72,922	26,792	99,714	120,735
Imperial	377,166	1,607	378,773		22,538	-	401,311	95	156,847	-	1,104	-	158,046	97,510	255,556	656,867
Inyo	-	-	-		8,571	-	8,571	-	31,290	-	1,769	-	33,059	16,817	49,876	58,447
Kern	1,506,247	221	1,506,468		85,705	-	1,592,173	72,583	277,197	38,085	189,983	18,769	596,617	142,902	739,519	2,331,692
Kings	129,097	738	129,835		21,426	-	151,261	-	87,120	36,834	289	5,338	129,581	24,163	153,744	305,005
Lake	-	-	-		2,875	-	2,875	-	61,222	-	-	4,627	65,849	46,411	112,260	115,135
Lassen	-	-	-		21,426	-	21,426	3,312	18,512	-	3,053	-	24,877	6,600	31,477	52,903
Los Angeles	29,150,727	204,723	29,355,450		85,705	261,173	29,702,328	282,365	1,666,182	191,694	321,410	706,284	3,167,935	134,903	3,302,838	33,005,166
Madera	384,504	-	384,504		21,426	-	405,930	-	53,301	-	73,307	-	126,608	38,657	165,265	571,195
Marin	425,324	-	425,324		33,670	-	458,994	-	68,497	-	31,066	-	99,563	32,397	131,960	590,954
Mariposa	-	-	-		21,426	-	21,426	-	3,903	-	2,297	-	6,200	7,238	13,438	34,864
Mendocino	114,320	25	114,345		21,426	-	135,771	7,901	90,129	470	-	7,890	106,390	126,947	233,337	369,108
Merced	113,605	1,102	114,707		42,853	-	157,560	26,548	116,075	33,275	331,883	11,607	519,388	122,521	641,909	799,469
Modoc	-	-	-		-	-	-	444	683	5,145	-	744	7,016	911	7,927	7,927
Mono	26,656	3,116	29,772		-	-	29,772	-	3,306	-	1,085	-	4,391	2	4,393	34,165
Monterey	255,170	-	255,170		42,853	-	298,023	3,160	226,345	23,831	177,518	8,000	438,854	99,275	538,129	836,152
Napa	258,650	220	258,870		21,426	-	280,296	-	160,804	-	11,641	-	172,445	26,909	199,354	479,650
Nevada	-	-	-		21,426	-	21,426	282	9,060	13,266	16,890	1,096	40,594	15,353	55,947	77,373
Orange	6,240,432	4,154	6,244,586		66,036	131,812	6,442,434	60,656	1,875,761	113,596	354,534	154,657	2,559,204	80,212	2,639,416	9,081,850
Placer	-	-	-	75,000	39,736	-	114,736	30,853	271,059	12,761	2,966	5,640	323,279	165,349	488,628	603,364
Plumas	-	-	-		16,857	-	16,857	7,616	-	1,260	-	-	8,876	18,285	27,161	44,018
Riverside	1,696,569	2,634	1,699,203		79,405	-	1,778,608	42,798	1,356,247	12,410	64,006	177,373	1,652,834	436,659	2,089,493	3,868,101
Sacramento	2,429,541	47,370	2,476,911		85,705	-	2,562,616	195,926	429,895	30,755	95,679	48,354	800,609	172,847	973,456	3,536,072
San Benito	-	-	-		-	-	-	-	92,023	-	1,311	-	93,334	-	93,334	93,334
San Bernardino	3,480,822	-	3,480,822		85,705	-	3,566,527	43,031	804,209	57,829	3,845	60,954	969,868	192,133	1,162,001	4,728,528
San Diego	5,303,063	3,268	5,306,331		85,705	68,401	5,460,437	111,286	146,538	92,241	120,745	100,627	571,437	68,711	640,148	6,100,585
San Francisco	1,309,499	14,486	1,323,985		85,705	-	1,409,690	41,372	408,379	37,435	86,755	67,785	641,726	42,278	684,004	2,093,694
San Joaquin	603,202	17,032	620,234		85,705	-	705,939	57,750	477,908	15,932	39,815	18,326	609,731	120,543	730,274	1,436,213
San Luis Obispo	175,867	1,239	177,106		42,291	-	219,397	2,492	157,089	13,447	-	7,424	180,452	4,588	185,040	404,437
San Mateo	908,131	217	908,348		85,705	-	994,053	41,083	198,223	19,156	191,561	5,282	455,305	38,692	493,997	1,488,050
Santa Barbara	636,467	856	637,323		42,853	-	680,176	1,789	262,607	30,353	24,513	8,154	327,416	30,109	357,525	1,037,701
Santa Clara	2,238,376	7,075	2,245,451		85,705	-	2,331,156	28,659	338,426	31,244	407,367	50,645	856,341	124,905	981,246	3,312,402
Santa Cruz	562,091	1,517	563,608		42,853	-	606,461	-	34,741	6,923	742	31,260	73,666	13,984	87,650	694,111
Shasta	-	-	-		42,853	-	42,853	10,465	47,847	832	14,629	49,108	122,881	131,751	254,632	297,485
Sierra	-	-	-		-	-	-	-	3,871	-	-	-	3,871	1,492	5,363	5,363
Siskiyou	-	-	-		14,399	-	14,399	21,727	4,703	-	8,287	-	34,717	24,741	59,458	73,857
Solano	196,684	-	196,684		42,853	-	239,537	9,371	14,244	20,562	69,975	22,113	136,265	23,151	159,416	398,953
Sonoma	755,077	494	755,571		42,853	-	798,424	20,082	147,162	5,372	94,715	41,219	308,550	67,766	376,316	1,174,740
Stanislaus	473,444	24	473,468		42,853	-	516,321	14,331	134,898	19,826	40,901	10,472	220,428	25,567	245,995	762,316
Sutter	238,610	-	238,610		21,426	-	260,036	10,624	14,824	992	6,604	6,835	39,879	28,363	68,242	328,278
Tehama	88,360	-	88,360		21,426	-	109,786	-	5,747	1,530	16,789	1,205	25,271	4,555	29,826	139,612
Trinity	-	-	-		6,846	-	6,846	420	11,336	-	-	-	11,756	14,753	26,509	33,355
Tulare	551,962	225	552,187		42,853	-	595,040	22,359	128,737	17,485	266,328	38,993	473,902	89,242	563,144	1,158,184
Tuolumne	-	-	-		15,812	-	15,812	282	17,710	-	-	-	17,992	3,889	21,881	37,693
Ventura	476,176	2,885	479,061		85,705	-	564,766	14,754	823,335	20,837	12,127	15,870	886,923	60,788	947,711	1,512,477
Yolo	105,068	-	105,068		41,011	-	146,079	57,835	208,187	9,313	10,275	14,157	299,767	140,262	440,029	586,108
Yuba	-	-	-		21,426	-	21,426	12,732	28,803	7,016	1,411	2,429	52,391	45,700	98,091	119,517
Total:	66,758,007	350,310	67,108,317	75,000	2,198,004	461,386	69,842,707	1,417,745	12,557,111	1,058,954	3,408,555	1,927,086	20,369,451	3,493,216	23,862,667	93,705,374

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

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