

THE PRICE OF JUSTICE

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Professional interpreting comes at a cost. Whether provided privately or publicly, at state or individual expense, high quality interpreting services have a pricetag. Yet, in today's global society in which diversity is valued and people from different backgrounds are much more in contact with each other than in the past, individuals or entities increasingly need interpreters to facilitate communication among those who speak different languages. This holds true in many areas of the world, including in this country.

Illegal immigration also implies many costs for society. On almost a daily basis, reports in any one of various media discuss the costs, causes and effects of millions of undocumented individuals living and working in the United States. Cost issues include health services, welfare payments, unpaid taxes, uncollected income tax refunds, enforcement of immigration laws, and crimes committed by undocumented individuals. Sometimes reports also take into account the cost of providing interpreting services. On nearly any topic, one can find conflicting views as to whether immigration is a net gain or expense for society. The amounts spent at the state level on interpreting services also draw our attention; for example, the state of Minnesota calculated the total cost of interpreter expenditure in 2007 at \$3.3 million (Draskowski, 2008, para 3). However, it is difficult to find studies analyzing the cost of providing interpreters to non-English speaking defendants which also consider to what extent costs are recovered through the imposition and payment of fines.

This study considers Sioux County in rural northwest Iowa, an area that has experienced a significant influx of both documented and undocumented Hispanic immigrants in recent years. In Sioux County, the services of a state-certified Spanish interpreter are readily available and interpreting services are provided at all stages of the judicial process for Spanish-speaking LEP defendants.

The study considers the overall cost of prosecuting Spanish-speaking defendants, both documented and undocumented, for misdemeanor and felony offenses. The aim of this study was to ascertain the typical or average cost of prosecuting these crimes among this population. Because overall costs include interpreting, different components were tracked separately in order to accurately calculate the portion attributable to interpreting. Furthermore, this study traced expenses incurred by the judicial system together with costs recovered through the imposition and collection of fines, fees and surcharges levied against defendants. This allowed the study to calculate the percentage of overall cost recovered and the relationship of that amount to non-fixed costs.

Since this study focused on non-fixed costs, it does not include fixed costs such as salaries of court officials, law enforcement or public defenders, nor the general cost of maintaining and administering the local court. Non-fixed costs taken into account were: interpreting services in jail and in court, per diem costs of incarceration in the county jail, court-appointed attorneys fees, and pre-

Table 1 *Costs incurred through Hispanic defendants arrested and booked at Sioux County Jail (October-December, 2007). Numbers have been rounded.*

Charge	Arrests	Average length of stay and cost	Released on bond	Deported	Deportation rate
Operating while intoxicated	8	6 days/ \$214	7	1	13%
Driving without a license or insurance	9	4 days/ \$122	5	4	44%
ID theft; forgery; tampering with records; providing false information	18	80 days/ \$2790	1	17	94%
Drug-related; assault; other	18	18 days/ \$616	11	5	31%

sentence investigation reports. Further, this did not include other non-fixed items such as mailing or transmitting costs for information and fingerprints.

- The various data for this study were provided by the following:
- Sioux County jail: arrest data (October – December, 2007), including type of arrest, charges, posting of bond, releases on bail, detention per ICE hold, sentencing followed by deportation, sentencing and remand into custody or placement on probation, length of jail stay and general per diem and interpreting costs.
 - Iowa District Court for Sioux County: general data collected throughout 2007 for all cases against Hispanic defendants of identity theft, forgery, OWI, and driving without a license or without insurance, and detailed data for a number of representative cases disposed of during 2007. Data included fines and surcharge amounts, court costs assessed, costs for court-appointed interpreters and attorneys, and aggregate amounts collected from defendants.
 - Department of Corrections (Probation Branch): calculations of the average cost of undertaking a pre-sentence investigation and writing the accompanying report.

Data from the Public Defender's Office were unavailable in time for this article; the cost of in-house interpreting associated with these cases could not be calculated.¹

1. Court-appointed interpreters as well as court-appointed attorneys, even while working with the state's public defender office, are charged through the district court and have been included in this paper.

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During the period of October-December 2007, a total of 53 Hispanics (both documented and undocumented) were arrested and booked at the Sioux County jail. The average length of stay was 35 days, at a per diem cost of \$35, for an average of \$1,225 to house and feed the individuals. For each crime category, the number of individuals released on bond and the number deported are mentioned, since it is reasonable to expect that fines, fees, and surcharges levied against defendants released on bond will be paid.

During the study period, the jail spent \$1,010 on interpreting services for the booking process, averaging \$19 per defendant.²

Forty-six cases involving Hispanics in Iowa District Court for Sioux County were analyzed. Table 2 summarizes the breakdown of total fines and other fees..

Table 2 Breakdown of total fines and other fees imposed in Iowa District Court. Numbers are rounded.

	Total	Average
Fines	\$37,375	\$813
Surcharges	\$16,010	\$384
Misc. fees	\$115	\$3
Court costs	\$4552	\$99
Court-appointed attorney fees	\$1850	\$40
Court-appointed interpreter fees	\$2064	\$213

Of those amounts, defendants paid \$9,793 (\$213 on average, with additional amounts expected). Therefore, in regard to court costs and court-appointed attorney and interpreter fees, the amount the court collected from the defendants exceeded the total in non-fixed costs for attorneys, interpreters and court costs.

However, the situation changes for different groups of offenses. For driving offenses (driving without a license or with license suspended, revoked, barred, as habitual offender, or with a financial liability violation), the total amount in fines, fees and surcharges imposed (and not suspended) was \$21,787 for 24 cases (\$908 on average). Of this amount, non-fixed costs totaled \$2432 (\$101 on average); these costs are broken down in Table 3.

Table 3 Breakdown of total fines imposed for traffic offenses in Iowa District Court. Numbers are rounded.

	Total	Average
Court costs	\$1950	\$81
Court-appointed attorney fees	\$220	\$9
Court-appointed interpreter fees	\$262	\$11

2. Not all defendants needed an interpreter for booking, but to ascertain average cost, overall expense was divided among the total number of Hispanic defendants.

For this group of offenses, \$4,642 (\$193 on average) was collected by the court. Therefore, the amount collected far exceeded the non-fixed costs.

For OWI offenses, there is also a positive return of payments over non-fixed costs. The total amount of fines, fees and surcharges imposed (and not suspended) was \$20,554 for 9 cases (\$2,284 on average). Of this amount, non-fixed costs totaled \$1779 (\$198 on average); these are broken down in Table 4.

Table 4 Breakdown of total fines imposed for OWI offenses in Iowa District Court. Numbers are rounded.

	Total	Average
Court costs	\$1015	\$113
Court-appointed attorney fees	\$280	\$31
Court-appointed interpreter fees	\$484	\$54

For identity theft and forgery charges (felonies), however, the situation is very different. The total amount of fines, fees and surcharges imposed (and not suspended) was \$19,625 for 13 cases (\$1,510 on average). Table 5 summarizes the breakdowns of court costs and fees as part of this total.

Table 5 Breakdown of court costs and fees imposed for identity theft and forgery offenses in Iowa District Court. Numbers are rounded.

	Total	Average
Court costs	\$1587	\$122
Court-appointed attorney fees	\$1350	\$104
Court-appointed interpreter fees	\$1318	\$101

For this group of offenses, only \$387 was collected, with very low expectation of further payments. For these cases, then, the amount in non-fixed expenses is much higher than what is collected in fines. In addition, for all felonies, Iowa law requires a pre-sentence investigation (PSI) and report with an average cost of \$693 and a typical interpreting charge of an additional \$50.

We are now ready to calculate overall costs for each group of offenses, including jail costs, the percentage of non-fixed costs, and within that category, percentage of of non-fixed costs are interpreting costs. Table 6 summarizes average overall costs incurred by the different offenses.

Table 6 Average overall costs incurred by offense. Numbers are rounded.

Offense	Jail costs: Food & lodging	Jail costs: In-house interpreting	Court-related, non-fixed costs	Court-appointed interpreting
Driver's license & insurance	\$123	\$19	\$90	\$11

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Offense	Jail costs: Food & lodging	Jail costs: In-house interpreting	Court-related, non-fixed costs	Court-appointed interpreting
OWI	\$214	\$19	\$144	\$54
Identity theft & forgery	\$2790	\$19	\$226	\$101

For driving-related and OWI offenses, the total average cost per person is for all non-fixed expenses, which includes average interpreting costs of \$30. On average, defendants have already repaid \$193. Therefore, with a strong expectation that further payments will be forthcoming, it can be concluded that non-fixed costs have all been covered, including interpreting (12% of total).

For OWI the total average cost per person is \$431 average per person cost for all non-fixed expenses, which includes average interpreting costs of \$73. On average, defendants have already repaid \$529, more than the average in non-fixed costs, including interpreting (representing 17% of total) and with a strong expectation that further payments will be forthcoming.³

The total cost per person for identity theft and forgery cases — felony level offenses — requires adding the average PSI cost of \$693 plus \$50 for PSI interpreting. The total cost per person comes out to \$3,879, which includes average interpreting costs of \$170. On average, defendants have only repaid \$30. For driving-related offenses, interpreting expenses as a percentage of overall non-fixed costs are higher (on average 12% and 17%), yet all non-fixed costs are very likely to be paid by the defendant, with very little burden on the taxpayer.

However, for forgery and identity theft offenses, the overall cost is much higher (\$3,879 on average), while interpreting costs as a percentage are much lower (4%). Because only a minimal amount is paid by the defendant (1%), the balance comes out of public funds or taxpayer expense. This calculation does not include the dollar amount of bond posted by undocumented individuals released directly to ICE, and then never collected. In recent months, this amount has totalled \$10,500 from three individuals. These payments reduce the expense to be absorbed by taxpayers, but have not been factored into this study.

Sioux County jail expenses, including interpreting for booking, are paid generally by taxes collected in Sioux County; district court costs, including court-appointed interpreter costs, are generally paid from state funds.

In conclusion, in this admittedly small and rural Midwest sample population, the prosecution of forgery and identity theft cases against undocumented individuals involves significant expenditure. Yet, the cost of interpreting as a percentage of overall costs is relatively low. Certainly, the price of justice here is not significantly higher than it would be for English-speaking defendants. ▲

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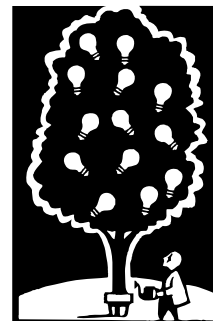
MESSAGE FROM THE CHAIR *continued from page 2*

(Concurrently, B&B chair Rob Cruz will represent NAJIT on the ABA’s Advisory Group for National Standards for LEP access to state courts.) The membership committee is developing strategies for recruitment and retention through maximizing the value of NAJIT membership to its constituents, expanding knowledge of NAJIT and the interpreting profession in universities and high schools, as well as catering more to the needs of for ASL judiciary interpreters. They will keep you abreast of their activities in future issues of *Proteus*.

Finally, we bid farewell to our able administrator, Christina Filipovic, who has served NAJIT so well for the past two and a half years. She is leaving to pursue graduate studies, but before returning to academia, she will be studying Spanish in Bogotá and traveling through South America. We wish her safe travels and much success in the future. And as one door closes, another opens. Her successor is Zalina Kotaeva, a graduate of the Elliot School of International Studies of George Washington University, and a native speaker of Russian. We extend a warm welcome to Zalina and look forward to her becoming an integral part of our team.

I hope you enjoy these end-of-summer days and best wishes for an active autumn.

Rosemary W. Dann, Esq.
Chair, NAJIT Board of Directors



Monterey Institute of International Studies, and is a state-certified court interpreter.]

3. This study did not include the costs and expenses of probation typically associated with OWI offenses, for which a separate \$300 enrollment fee is levied. However, interpreting is not provided for meetings with the probations officer.

REFERENCES

Drazkowski, Steve (2008, February 1). News Column, Rising Interpreter Costs Causing County Layoffs. Minnesota House of Representatives website. <http://www.house.leg.state.mn.us/members/pressreleases85.asp?district=28B&pressid=2364&party=2>

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