

OFFICE OF THE INSPECTOR GENERAL

MATTHEW L. CATE, INSPECTOR GENERAL



SPECIAL REVIEW OF THE BOARD OF PRISON TERMS INTERPRETATION SERVICES PROCEDURES

MARCH 2005

STATE OF CALIFORNIA

EXECUTIVE SUMMARY

This report presents the results of a special review conducted by the Office of the Inspector General of the procedures used by the Board of Prison Terms to govern services provided by foreign language interpreters. The review was prompted by an investigation by the Office of the Inspector General of a foreign language interpreter who was found to have submitted 261 false claims to the Board of Prison Terms over a period of nearly three years for services provided at parole revocation hearings. The investigation determined that Board of Prison Terms failed to detect the fraud and paid the interpreter for false claims totaling \$11,862. The San Diego County District Attorney prosecuted the case and the interpreter subsequently pleaded guilty to felony grand theft. She was sentenced to community service, probation, and a 120-day suspended jail term and was also ordered to pay full restitution.

In the course of the investigation and as a result of the special review, the Office of the Inspector General identified a number of control deficiencies in the methods used by the Board of Prison Terms to retain and pay for interpretation services. In particular, the Office of the Inspector General found that the Board of Prison Terms retains foreign language interpreters for parole hearings without fully specifying in writing the terms of the services to be provided; pays for the services without verifying that the services were rendered; and fails to make certain that invoices are not duplicates of invoices that have already been paid before approving payment.

The Office of the Inspector General recommends that the Board of Prison Terms take the following steps to correct the deficiencies:

- **Provide interpreters with confirmation letters specifying the terms and conditions of the services to be provided for all hearings.**
- **Require interpreters to bring the confirmation letter to the hearing.**
- **Require a Board of Prison Terms representative to sign and date the confirmation letter and return it to the interpreter at the completion of service.**
- **Use electronic methods to systematically record, track, and monitor payments to interpreters so as to detect duplicate claims.**
- **Require interpreters to submit invoices within prescribed time limits specified in the hearing confirmation letter.**

The Office of the Inspector General requests that the Board of Prison Terms respond within 45 days with a plan to address the deficiencies identified in this report. The response should include a timeline for implementation.

INTRODUCTION

This report presents the results of a special review conducted by the Office of the Inspector General into the procedures used by the Board of Prison Terms to arrange and pay for the services of foreign language interpreters. The review was conducted pursuant to the Inspector General's authority under section 6126 of the *California Penal Code*.

The special review was prompted by an investigation performed by the Office of the Inspector General of a case in which a foreign language interpreter was found to have submitted a large number of fraudulent claims to the Board of Prison Terms for interpretation services provided at parole revocation hearings. The investigation determined that between August 23, 2000 and June 13, 2003, Estella Gaines submitted 261 false claims to the Board of Prison Terms, for which she was paid \$11,862. The Office of the Inspector General found that Gaines inflated hours worked and travel expenses and also re-submitted and received payment for several invoices for which she had already been paid months earlier. The case was settled by the San Diego District Attorney in January 2005 with the defendant pleading guilty to a felony violation of California Penal Code section 487(grand theft) and agreeing to pay full restitution.

In the course of the investigation and subsequent special review, the Office of the Inspector General identified a number of control weaknesses in the foreign language interpretation services procedures that allowed the fraud to take place.

BACKGROUND

The Board of Prison Terms, California's adult parole board, conducts almost 40,000 parole hearings a year, including about 5,000 parole consideration hearings for "lifer" inmates serving indeterminate sentences and about 44,000 parole revocation hearings to determine whether parolees have violated parole conditions and should be returned to prison. The board is also responsible for conducting certification, placement, and parole revocation hearings for mentally disordered offenders and for helping to screen inmates for possible civil confinement as sexually violent predators.

The board is comprised of nine commissioners, appointed by the Governor, who travel to the state's prisons conducting parole consideration hearings for "lifer" inmates. Deputy commissioners, who are civil service employees, serve on hearing panels for indeterminate sentence inmates and also conduct parole revocation hearings and hearings for mentally disordered offenders and sexually violent predators.

In carrying out the responsibilities associated with parole hearing process, the Board of Prison Terms frequently retains the services of foreign language interpreters, who work as private vendors. In fiscal year 2003-04, the board provided interpreters for 911 parole hearings, with board expenditures for foreign language interpreters totaling \$360,000. The services were

provided by 57 interpreters employed as vendors through the Board of Prison Terms headquarters and through parole revocation units of the California Department of Corrections.

OBJECTIVES, SCOPE AND METHODOLOGY

In the investigation of Estella Gaines and the subsequent special review of the procedures used by the Board of Prison Terms to obtain and pay for foreign language interpretation services, the Office of the Inspector General carried out the following procedures:

- Interviewed Board of Prison Terms personnel responsible for soliciting and scheduling interpreters for hearings to gain an understanding of applicable policies and procedures. Obtained sample documents.
- Interviewed Board of Prison Terms personnel responsible for reviewing interpreter invoices and authorizing payment to examine controls for processing invoices and verifying services rendered.
- Reviewed and analyzed invoices submitted by Estella Gaines for the period August 23, 2000 through June 13, 2003.
- Reviewed visitor registers for the Richard J. Donovan Correctional Facility for the period August 23, 2000 through June 13, 2003 to verify the times Gaines was present at the institution.
- Reviewed Board of Prison Terms hearing records (BPT Form 1103) to reconcile the records against the hearings cited in the invoices submitted by Gaines.
- Interviewed personnel from the Chula Vista Parole Revocation Unit responsible for scheduling interpreters for hearings in Imperial County and San Diego County.
- Interviewed foreign language interpreters from Imperial County and San Diego County about their understanding of procedures for providing interpretation services to the Board of Prison Terms.
- Summarized and forwarded the analysis of the fraudulent billings by Gaines to the San Diego County District Attorney.

FINDING 1

The Office of the Inspector General found that the Board of Prison Terms does not specify in writing the terms and conditions of interpretation services to be provided.

The Office of the Inspector General found that the Board of Prison Terms does not require terms and conditions of service to be defined in writing before interpretation services are provided. In the northern part of the state,¹ the Board of Prison Terms schedules parole revocation hearings and sends confirmation letters to interpreters, but the letters do not fully cover the terms and conditions of service. While the letters include the inmate's name and the date, time, and location of the hearing, they do not address the board's cancellation policy or the specifics of travel reimbursement.

In the southern part of the state,² the Board of Prison Terms has delegated responsibility for scheduling hearings to Department of Corrections parole revocation units. The Office of the Inspector General found that the parole revocation unit visited during this review does not provide interpreters with written terms and conditions of service when scheduling hearings, but rather simply contacts the interpreter by telephone.

As a result of the lack of clearly defined terms and conditions of service, the parole revocation unit and the Board of Prison Terms provided the Office of the Inspector General with conflicting information about authorized reimbursements: The parole revocation unit staff said travel reimbursement was not allowed for the Richard J. Donovan Correctional Facility in San Diego, while the Board of Prison Terms scheduling unit said that such travel reimbursement is authorized.

FINDING 2

The Office of the Inspector General found that invoices for services are paid without verification that the services were provided.

Interpreters submit invoices directly to the Board of Prison Terms headquarters in Sacramento for payment, but the headquarters staff does not verify that the interpreter actually provided the services before authorizing the payment. The staff person responsible for approving the invoices told the Office of the Inspector General that she does not reconcile the invoices with Board of Prison Terms hearing records or other documents, such as the hearing confirmation letter, and that she rejects invoices only if the interpreter failed to sign the document or to include an address or Social Security number.

¹ Parole Regions I and II.

² Parole Regions III and IV.

FINDING 3

The Office of the Inspector General found that the Board of Prison Terms does not use invoice records to detect fraud.

The Board of Prison Terms does not maintain copies of approved invoices or other records that would enable it to detect fraudulent claims. Furthermore, although invoice data is collected in an electronic spreadsheet and the data fields in the spreadsheet are adequate for sorting invoices and detecting duplicate claims, the staff does not use the spreadsheet for that purpose. Because of this deficiency, interpreter Estella Gaines, who was the subject of a recent investigation by the Office of the Inspector General, received payment for duplicate service invoices and duplicate travel time even though the improper claims could have been detected with the use of the spreadsheet.

FINDING 4

The Office of the Inspector General found that interpreters are not required to submit invoices within a prescribed time limit.

Because the Board of Prison Terms does not require interpreters to submit invoices within a prescribed time limit, Ms. Gaines was able to file duplicate invoices as long as eight months after the service date even though she had already received payment for the original invoices.

RECOMMENDATIONS

The Office of the Inspector General recommends that the Board of Prison Terms take the following actions to address these deficiencies:

- **Provide interpreters with confirmation letters specifying the terms and conditions of the services to be provided for all hearings** The letters should include at least the following information:
 - ✓ Inmate's name and Department of Corrections identification number
 - ✓ Date, time, and location of the hearing
 - ✓ Type of hearing
 - ✓ Agreed-upon reimbursement rate
 - ✓ Travel reimbursement policy, including mileage rate allowed
 - ✓ Hearing cancellation policy
 - ✓ Invoice process and timeframes for invoice submittal and payment
 - ✓ Signature block and telephone number block to allow a Board of Prison Terms representative to verify services at completion of the hearing
- ***Require interpreters to bring the confirmation letter to the hearing.***

- *Require a Board of Prison Terms representative to sign and date the confirmation letter and return it to the interpreter at the completion of service.*
- *Use electronic methods to systematically record, track, and monitor payments to interpreters so as to detect duplicate claims.*
- *Require interpreters to submit invoices within prescribed time limits specified in the hearing confirmation letter.*

RESPONSE FROM THE BOARD OF PRISON TERMS

BOARD OF PRISON TERMS

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March 1, 2005

Mr. Matthew Cate
Inspector General
P.O. Box 348780
Sacramento, Ca. 95834
Attn: Mr. Sam Cochran

Dear Mr. Cochran;

The Board of Prison Terms (Board) appreciates the opportunity to respond to the draft report of the Office of Inspector General's (OIG) March 2005 Special Review of its Interpretation Services Procedures. The OIG's report identified deficiencies in the Board's processing of payments to foreign language interpreters.

The Board acknowledges that the current invoice payment process lacks the necessary verification of interpreter services received, which resulted in an overpayment of claims. We deem correcting and strengthening the invoice payment process a high priority.

Accordingly, the Board will complete development of a comprehensive plan, including specific timelines for implementation, to address the deficiencies identified in your Special Report. The plan will be submitted to you via the Youth and Adult Correctional Agency by April 15, 2005.

Sincerely,


for Margarita E. Perez, Chairwoman