

System Thinking Analysis: Learning to Navigate the System Through Picture Analysis SAMPLE ANALYSIS

Instructions: The pictures below are designed to represent a typical courtroom setting. The specific matter that is being addressed in this setting is a criminal action where a Deaf victim is testifying against a defendant accused of assaulting him and stealing his automobile. Study the photos and anticipate the personnel that will be involved, how the system is structured for such events, and what procedures or processes will be followed. Then consider the implication of these for the interpreter/interpreting process. Record your observations on the chart.



General set up of the courtroom



Defendant

Deaf witness providing testimony

Analysis

**Please Note: This analysis is not intended to be all inclusive, but rather illustrative.
Learners in collaboration with one another may identify additional elements.**

People		Structures	
The system personnel—their roles, responsibilities, scope of authority, activities		The framework within which a system arranges its lines of authority and communications, and allocates rights and duties and the flow of information	
<p><u>Who is involved?</u></p> <ul style="list-style-type: none"> -Judge [administers the process, makes procedural decisions]. -Clerk [supports the judge, keeps records, tracks evidence]. -Jury [determines guilt or innocence]. -Defense attorneys [represent the defendant]. -Prosecutor[s] [represents the ‘people, prosecutes the crime] -Defendant [the person accused of the crime]. -Court reporter [not seen but present, keeps a running record of what is said]. -Bailiff [not seen but present], keeps order in the court]. -Witnesses [may not be in the courtroom until they testify, provide sworn testimony about certain aspects of the case. Could be called by the prosecutor or the defense]. -Police officers [not seen but may have escorted defendant to court and remain to help keep order and monitor the prisoner]. -Audience/people watching the case [could include media, no direct role by may be interested 	<p><u>Implications for the interpreter/interpreting process?</u></p> <ul style="list-style-type: none"> -Judge administers the process and is the ‘go-to’ person for the interpreter to address should there be any problems. -In the event that the judge is not available, the clerk or bailiff are individuals to whom the interpreter can alert that they need assistance from the judge. -Interpreter may be asked to qualify her or himself as part of the process. This will mean the interpreter answers a series of questions for the record. When this is occurring, the team interpreter can interpret the testifying interpreter’s remarks. If there is no team, then it is not appropriate to sim-com the responses. If there is a table interpreter, she or he could possibly provide an interpretation, or ask the court for assistance in how to make sure the deaf person has access to what the interpreter responds while under testimony. -The interpreter should disclose to the court any conflicts of interest that may exist between the interpreter and any of the parties. It is not for the interpreter to decide if a conflict exists, but rather the court’s. So, the interpreter must disclose prior association—personal or professional—with any of the attorneys, 	<p><u>How is this event within the system organized?</u></p> <ul style="list-style-type: none"> -In many states judges are elected in public elections. In some they are appointed by the governor. Some states use a merit selection process. -Assault and auto theft are both felony crimes, so a criminal court will have to process the case. -In most states, the district court located in the geographic area where the crime was committed would have jurisdiction over this matter. -Each court sets a schedule and the clerk maintains the courts schedule. - As a criminal case, the matter will be heard by a jury of 12 people, plus alternates [who will hear the matter but only go into the jury deliberation 	<p><u>Implications for the interpreter/interpreting process?</u></p> <ul style="list-style-type: none"> -As jurors are selected, the interpreter must disclose to the court any prior contact or knowledge of the jury members. Also, during the trial the interpreter must not have any contact with any of the jurors or members of the audience. If approached, the interpreter should disclose that to the court. -Interpreter should check the state law where they are interpreting to make sure they meet the legal requirements to interpret in court. -Adjustments to the court schedule are very difficult to make. Interpreters should not accept court cases if they cannot make a commitment to the dates. However, it is possible dates are set and the day arrives and then there is some reason for a rescheduling of dates. An interpreter may have set aside multiple days to be available. If there is a cancellation, and the interpreter cannot fill their schedule with other work, they may be the need for a cancellation policy to acknowledge the lost income.

<p>parties—like family members of the defendant or victim].</p>	<p>police officers, parties or witnesses. This would also include disclosure if the interpreter has been a victim of a similar crime.</p>	<p>if one of the jurors is discharged or dismissed].</p>	
<p style="text-align: center;">Processes</p> <p style="text-align: center;">The recognized and approved procedures, practices and acts that allow the people within the system to move forward in implementing the intention of the system</p>		<p style="text-align: center;">Other Observations</p> <p style="text-align: center;">Specific to the interpreter or process</p>	
<p><u>What are the procedures and processes that are followed?</u></p> <ul style="list-style-type: none"> -Jury selection and empaneled -All witnesses will be sworn in. -Court reporter records all witness testimony. -Process will include opening and closing statements. -Prosecution will present its case first, followed by the defendant. -Evidenced will be introduced and tracked. -Objections by opposing counsel during questioning of witnesses. -Bench consultation or conferencing will occur between attorneys and judge to address administrative and/or legal issues outside the hearing of the jury or parties. -Expert witnesses will be called—possibly opposing expert witnesses. <p>The court administers the trial, but the jury decides guilt or innocence. As a result, witnesses are actually testifying/responding to questions for the jury’s benefit and are typically instructed to look at the jury when they respond.</p> <ul style="list-style-type: none"> -Jury instructions will be administered. 	<p><u>Implications for the interpreter/interpreting process?</u></p> <ul style="list-style-type: none"> -Jury selection can take many days. Interpreters for the jury selection may be different from the interpreters for the trial <p>Does the interpreter have any conflicts of interest with selected jurors? If so, report to the court. Secure copy of questionnaire jurors complete, as well as questions attorneys will ask if possible.</p> <ul style="list-style-type: none"> -Interpreters need to be sworn in too—may need to have an oath available to share with court if they do not have one. -Interpreter should try to view evidence in advance if possible so that she/he can describe it as it is introduced. Each piece of evidence will be assigned a number—that number may be referred to later in the process. Therefore, interpreting team may want to keep a running list of evidence and the numbers for reference. -Because deaf witness is testifying, what the interpreters say will become part of the record. Accuracy even more important. Best practice is to use consecutive interpreting during Deaf witness testimony. Need to have agreement with the court regarding HOW the interpreter will seek clarification of meaning during witness testimony. This should be determined in advance with the court. Important for the interpreters to keep in mind that the defendant is charged with two distinct 	<p><u>Observation[s]</u></p> <ul style="list-style-type: none"> -The defendant has tattoos that may be gang related -There may be individuals in the audience who are there in support of the Deaf witness and be dependent on interpreting services. -The court record, that includes the interpreter’s interpretation of the Deaf victim’s testimony can be used for appeals. 	<p><u>Implications for the interpreter/interpreting process?</u></p> <ul style="list-style-type: none"> -In reviewing the record, the interpreter may want to see if there is any information about the defendant’s involvement in a gang, the gangs name, and how it might impact the case and/or deaf victim’s testimony. -When interpreting for the Deaf witness, the positioning the interpreters use must ensure that they do not block the jury’s visual access to the witness, as well as the attorneys and judge. This may impact the visibility for any Deaf audience members. The audience members may need to request their own interpreter for this matter. -The interpreter[s] should be prepared for the fact that errors or challenges to their interpretation can occur during the trial and/or on appeal. The interpreters may be asked to speak to their work.

<p>felonies—the assault on the deaf victim and the theft of the car. Lines of questioning will likely follow these two events.</p> <ul style="list-style-type: none">-Request copies of opening and closing statements. May not be provided.-The case file can provide many valuable facts about the case. This will be in the possession of the prosecutor and can be requested for review by the interpreter. It cannot be removed from the courtroom and may only be provided for a short period of time. Use a note pad to take notes of meaningful information—such as dates, locations, specific charges, names of individuals involved, pictures/diagrams.-Request copies of the jury instructions to study and prepare interpretations. Typically, will be provided but not much in advance as they are negotiated close to the time they are administered.-It may be possible for the interpreter to get copies of expert reports in advance for review and to become familiar with methods used in preparing data for the report.-When interpreting a deaf witness' testimony—particularly victim testimony—the interpreters must position themselves so as not to block the jury's view of the witness. The witness will likely be instructed to look at the jury. This may have implications for the interpreting process and require some negotiation in advance so as to avoid any difficulty once the testimony starts.-When bench conferencing is occurring, the interpreter should step away from the area as the information is NOT to be interpreted. There may be times when the		
---	--	--

	interpreter is involved in the bench conferencing for any number of reasons impacting the interpretation, but the information discussed is not to be interpreted to any of the parties or jury.		
--	---	--	--