

# Michigan Law Review

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Volume 80 | Issue 4

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1982

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### Recommended Citation

David Seidman, *Delinquent Measures*, 80 MICH. L. REV. 823 (1982).

Available at: <https://repository.law.umich.edu/mlr/vol80/iss4/37>

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# DELINQUENT MEASURES

*David Seidman\**

MEASURING DELINQUENCY. By *Michael J. Hindelang, Travis Hirsch, and Joseph G. Weis*. Beverly Hills, Calif.: Sage Publications. 1981. Pp. 248. Cloth, \$20; paper, \$9.95.

*Measuring Delinquency* reports in painful detail<sup>1</sup> an attempt to reconcile two radically disparate views of the distribution of juvenile delinquency in society, each rooted in the results derived from a particular approach to measuring delinquency. It is, as the title suggests, a book about social measurement, and it is written in a style that anyone without specialized technical training is likely to find forbidding.<sup>2</sup> The niceties of measurement lack popular appeal, and only specialists are likely to read the book. This is unfortunate. Social measurement shapes our understanding of social reality. Both our theories and our policies depend, in turn, on our understanding of social reality. The findings reported by Hindelang, Hirschi, and Weis should be important to anyone concerned with policies regarding juvenile delinquency. The story told is a cautionary tale for anyone who relies on social research.

## I

Two competing approaches to measuring delinquency rely on, respectively, official data and self reports. The "official data" ap-

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The author would like to thank Albert D. Biderman and Albert J. Reiss, Jr., for useful suggestions and Peter Reuter for helpful comments on a preliminary draft.

1. Though painful, the detail is occasionally insufficient. See notes 14-15 *infra*.

2. Full appreciation of the analysis requires comprehension of passages like the following: Nye and Short . . . report that nine items selected from their initial pool of 21 items had a coefficient of reproducibility of .78. When two extreme items were discarded and image analysis was performed . . . , the coefficient increased to .97 or more, depending on the sample. A coefficient of .97 suggests an impressive degree of homogeneity among the items in the scale. However, this is less impressive when it is recalled: (1) that the nine-item reproducibility coefficient was only .78 — less than the minimum required to "scale"; (2) that, even then, two of the offenses were committed by fewer than 10% of the sample . . . ; (3) that image analysis, by definition, increases the ability to reproduce the pattern of item scores by altering the pattern so that it is more consistent with the pattern predicted by the model; and (4) that the minimal marginal reproducibility of these items is unknown.

P. 49 (citations omitted).

proach is older, better known among nonspecialists, and draws almost exclusively upon police and other official records. The "self report" method is newer, and draws primarily upon data collected directly from young people. Each approach is imperfect, and the conflict between the two has produced the present volume.

According to the conventional wisdom, juvenile delinquents in the United States are disproportionately male, lower class, and black.<sup>3</sup> Whatever the sources of this wisdom, it appears to correspond to what is known about the characteristics of these youths officially recorded as having fallen into the nets of those social institutions — the police, the courts, the reformatories — designated to cope with juvenile crime.<sup>4</sup> Influenced by this common wisdom, policy responses to the problem of juvenile delinquency tend to concentrate on black males from lower-class families.<sup>5</sup>

Official records and statistics, however, do not automatically register all delinquent behavior. They register instead only what official agencies perceive and, perhaps more importantly, choose to process in ways that leave records. Organizational processes producing records do not necessarily sample randomly from the universe of potentially observable behavior. In fact, they probably do not.<sup>6</sup> Behavior that might lead to arrest, adjudication, and institutional confinement if committed by a lower-class black male might lead to a sympathetic conversation with the parents of an upper-class white female. Official records and statistics, therefore, are determined in unknown proportion by the behavior of youth on the one hand and of official agencies on the other.

The shaping of official data by the discretionary choices of offi-

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3. See, e.g., PRESIDENT'S COMMISSION ON LAW ENFORCEMENT AND ADMINISTRATION OF JUSTICE, *THE CHALLENGE OF CRIME IN A FREE SOCIETY* 56-57 (1967) [hereinafter cited as *CHALLENGE OF CRIME*] (discussion of "who the delinquents are" emphasizes sex, class, and race; distinguishes recorded delinquency from delinquent behavior; concludes "there is . . . no reason to doubt that delinquency, and especially the most serious delinquency, is committed disproportionately by slum and lower-class youth").

4. See p. 13 (assumption that criminal behavior "concentrated among young, urban, lower-class males, with especially heavy concentrations among blacks and chicanos . . . draws support" from arrest statistics, characteristics of prison and reformatory populations, and research studies using "police and court data within specific settings"). Many of the statements in the text of this Review could be supported by citations to a vast body of literature. Most of this literature is cited in the book under review. Rather than duplicate those citations, this Review will generally refer only to *Measuring Delinquency*.

5. See, e.g., *CHALLENGE OF CRIME*, *supra* note 3, at 58-77. Of course, policy responses also concentrate on other groups identified as disproportionately delinquent on the basis of official data.

6. See, e.g., Biderman & Reiss, *On Exploring the "Dark Figure" of Crime*, 374 ANNALS 1, 9 (1967) ("operational organizations such as the police or courts choose not to observe more than they can process with given resources, and they selectively screen observations to fit organizational goals, strategy, and tactics").

cial agencies raises the possibility that official data present a thoroughly misleading picture of the distribution of delinquent behavior in American society.<sup>7</sup> To test that possibility, it would be useful to have another body of data from which inferences could be drawn about the distribution of delinquent behavior, but which is in some sense independent of the official data traditionally used for this purpose. Unfortunately, no organization in society routinely generates such data.

No one familiar with the data-gathering habits of modern social scientists should be surprised to learn that it occurred to some of them that the way to discover who was delinquent (that is, who engaged in delinquent behavior, rather than who was officially labeled as delinquent) was to ask youths whether they were delinquent. This simple insight<sup>8</sup> led to the development of a cottage industry among sociologists — surveys of self-reported delinquency. The questions asked of youths, of course, are more subtle than, “Are you a delinquent?” Youths are typically asked whether and how often they engage in any of a long list of specified activities. In essence, however, self-report studies simply ask youths to confess to researchers about acts, including illegal acts, that they have committed.

The results of self-reported delinquency studies vary in detail, but on the whole they are thought to conflict sharply with results based on official data. Roughly speaking, they fail to find any association between delinquency and either class or race, and sometimes even sex (p. 14). In other words, everybody does it, and suggestions to the contrary probably reflect the biases of official organizations.

A certain skepticism about these results is not surprising. We can surely ask youths, “Have you ever taken something worth more than \$50, and if so, how often have you done so?” but it is not immediately obvious that we should trust any individual’s answer or believe that, say, upper-class and lower-class youths respond to such questions in similar ways. Skepticism about the meaning of the results is increased by the content of the surveys from which the results are derived, for many of the surveys include questions about whether responding youths have ever “skipped school without a legitimate excuse” or “defied your parents’ authority (to their face)” (p. 221). If nothing else, individuals and groups may differ in the significance

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7. Extreme skepticism about the relation of official statistics to external reality leads to the suggestion that these statistics are best viewed simply as indicators of the behavior of official agencies and not at all as indicators of external reality. *See, e.g.,* Kitsuse & Cicourel, *A Note on the Uses of Official Statistics*, 11 *SOC. PROB.* 131 (1963).

8. Usually ascribed to J. F. Short and F. I. Nye. *See* p. 22.

that they attach to the events inquired about: The hardened delinquent may find his latest armed robbery no more interesting than yesterday's lunch, while the nondelinquent may find the frisson of a cut class eternally fascinating. Youths, therefore, may differ in the likelihood that they will remember and report such events.<sup>9</sup> In sum, just as official data may distort reality, so may self-reported delinquency data. No social process of measurement is likely to produce an undistorted image of that reality.<sup>10</sup>

For more than twenty years, these two approaches to the measurement of delinquency have coexisted, and not entirely peacefully.<sup>11</sup> Along with them have coexisted two entirely different conceptions of crime in society.<sup>12</sup> For anyone concerned about understanding, and perhaps doing something about, juvenile delinquency, this situation can only be disquieting.

## II

Hindelang, Hirschi, and Weis, themselves researchers who had used self-reporting techniques, became "convinced that awareness of the limitations as well as the strengths of self-report procedures is essential if research and theory in crime and delinquency are to move beyond the current stage of disagreement on basic factual issues" (pp. 9-10). They therefore set out to do two things: first, to evaluate the quality of self-report data, and second, to reconcile discrepancies between findings based on self-report data and those based on official data. They thoroughly review existing studies of delinquency measurement, and where feasible and appropriate, re-analyze the data used in the earlier studies. The authors also designed an elaborate self-report study, conducted in Seattle, which allows investigation of methodological questions not adequately ad-

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9. Cf. UNITED STATES DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE STATISTICS, CRIMINAL VICTIMIZATION IN THE UNITED STATES, 1978, at 22, Table 7 (National Crime Survey Report No. NCS-N-17, NCJ-66480, Dec. 1980) (national victimization survey reports white males had higher total assault, higher simple assault, and lower aggravated assault victimization rate than black males); Seidman, *Public Safety: Crime is Up, But What About Punishment?* 435 ANNALS 248, 254 (1978) (suggesting that related earlier findings are partially explained by racial differences in reporting of events to interviewers).

10. It is convenient, but not necessarily correct, to posit an "external reality" which the data ought to reflect. Some delinquent acts are criminal. From some perspectives, criminal acts may be thought of as events occurring in the real world. From other perspectives, criminal acts may be defined only by reference to organized social responses to behavior. See Biderman & Reiss, *supra* note 6 (comparing realist and institutionalist perspectives in crime and criminal statistics).

11. See pp. 211-12 (citing evidence of "polarization" in the research community).

12. See pp. 211-12; Szabo, *Sociological Criminology and Models of Juvenile Delinquency and Maladjustment*, 434 ANNALS 137 (1977).

dressed in previous self-report studies.<sup>13</sup>

The Seattle study drew three separate samples from three populations of Seattle youths: public school students not known to have official delinquency records ("nondelinquents");<sup>14</sup> youths with records of "contact" with the Seattle Police ("police delinquents"); and youths "referred to the King County Division of Youth Services" ("court delinquents") (p. 32). The use of separate samples allowed selection of delinquents beyond their proportion in the general population, thus yielding enough delinquents to provide reasonable data.<sup>15</sup> The second and third samples allowed the authors to cross-check self-report responses dealing with offenses committed and contacts with official agencies against records. (This kind of cross-checking is called a "reverse record check.")

Most of the book is devoted to reporting the results of both the reanalyses of existing studies and the presentation and analysis of the data from the Seattle study. The results are too diverse and, in some cases, technical to be summarized here. This Review, there-

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13. See Reiss, *Inappropriate Theories and Inadequate Methods as Policy Plagues: Self-Reported Delinquency and the Law*, in *SOCIAL POLICY AND SOCIOLOGY* 211, 219-20 (N. Demerath, III, O. Larsen & K. Schuessler eds. 1975) (critique of methodological foundations of self-report studies suggesting that inadequate attention has been paid to measurement issues).

14. Unfortunately, the text is ambiguous concerning what official records were grounds for exclusion from the nondelinquent population. The paragraphs describing the procedures (two paragraphs were necessary because procedures for sampling male and female nondelinquents differed) refer to "records of police or court contact" and "police or court record." P. 32. However, the paragraphs describing the delinquent populations indicate that youths whose police or court records were limited to dependency and traffic offenses were not included in these populations. P. 32. Either those with records of dependency or traffic offenses were included in the nondelinquent population despite their "records of police or court contact" or they were excluded from the study entirely, for no immediately obvious reason.

15. Individuals included in the study had to be located on the basis of information in school, police, or court records. Locating the desired individuals proved difficult. P. 33. One might suspect that there are systematic differences between those who could be located and those who could not be, particularly among the recorded delinquents, but the point is not discussed. Moreover, inclusion required consent from both participants and their parents, p. 33, and substantial numbers of those selected for the samples did not consent. Again, systematic differences between those who consented and those who did not seem plausible. Curiously, what would seem to be information important to evaluation of survey results — the proportion of those selected for the samples who were actually included in the samples (roughly speaking, the response rate) — is never directly presented. It can, however, be computed, for each segment of the sample, from Table 2.2, p. 34, which presents, for each segment, the percentage of the original sample not located and the percentage of those located agreeing to participate. The results of such a computation are distressing, particularly if systematic differences of the kind discussed above seem likely. For example, the overall response rate for black male police delinquents was 38.4%, for black female court delinquents, 28.7%. For the various groups of nondelinquents, the response rate ranged from 51.5% to 64.0%. These calculations should not have been left to the reader.

The difficulty of locating individuals on the basis of police and court records, which were "often simply incorrect," p. 33, suggests that the "nondelinquent" samples may have included individuals with police and court records. The authors do not discuss this aspect of the problem of matching records and people.

fore, will ignore the part of the book entitled "Psychometric Properties of Self-Report Instruments" (pp. 43-133) in order to concentrate on the two chapters of Part III ("The Correlates of Self-Report" and "Official Measures of Delinquency: Discrepancy Reexamined") dealing with race and class (pp. 157-98).

#### A. *Race and Delinquency*

One possible explanation of why studies based on official data show higher rates of delinquency among blacks than among whites, while studies based on self-reported delinquency do not, is that official agencies discriminate in how they treat whites and blacks who have committed the same kinds of acts. The authors analyze previous studies to test a number of other possible and plausible explanations. They reject them all and then provide one of their own.

One possible explanation has to do with the number of delinquent acts or official contacts used as the basis for the classification as delinquent. Evidence from official data studies shows that delinquency differences between blacks and whites increase as the "cutting point" for the classification is raised (p. 159). That is, the more serious and frequent delinquent behavior must be before a youth is classified as a delinquent, the more blacks and whites differ in rates of delinquency. This suggests that differences in the cutting point between self-report and official data studies might explain the discrepancy. However, reanalysis of self-report studies indicates that changing the cutting point does not make the discrepancy disappear (pp. 159-60).

Another possibility is that blacks achieve official recognition of delinquency at earlier ages than whites, and the racial differences in official delinquency for black and white youths of the same age reflect the longer period that blacks have had to generate records. But controlling for the time period covered by official records leaves the full discrepancy in place (p. 161). A more attractive possibility turns on the fact that self-report studies typically include questions about relatively trivial forms of delinquency — matters unlikely to produce official records. Perhaps blacks and whites differ less on minor matters than on serious ones, so that the race-delinquency relationship in self-report studies is attenuated. There is some evidence for this possibility in existing self-report studies, but data on serious offenses are typically unavailable in these studies. Reanalysis of an earlier study, together with analysis of the Seattle data, however, suggests that the discrepancy is not so easily explained (pp. 162-71).

The Seattle data provide an answer to the discrepancy among

males (there was no serious discrepancy among females). The reverse record check showed interesting differences between black and white males. The nature of the records limited the investigators to matching types of offense, rather than specific offenses, between self-reports and official records. What they discovered was that "for every category of offense, black males are less likely to report an offense falling into the same offense category as their official offense" (p. 171). If we assume that the events reported in official records actually took place, this means that blacks are underreporting offenses in self-report studies, in comparison with whites.<sup>16</sup> Therefore, the conclusion frequently drawn from official data studies, that black youths are more delinquent than white youths, appears correct.

If the Seattle results hold elsewhere, they imply that self-report data cannot validly be used to investigate racial differences in delinquency (though perhaps they can be used to investigate differences within racial groups). The source of the discrepancy between the data produced by the two methodological approaches would then appear to be the fault of the self-report rather than the official data approach.

It is important to realize, however, that this conclusion depends on the assumption that differences between blacks and whites in official data do not significantly reflect differential official treatment of whites and blacks committing similar acts. Otherwise, the differential self-reporting of officially recognized delinquency might not indicate differential self-reporting of delinquent behavior. The assumption, of course, is controversial, and it is unlikely that the analysis of the Seattle study will produce harmony among advocates of the different methodological approaches.

### B. *Class and Delinquency*

As noted above, studies based on self-reports generally show a very weak correlation between class and delinquency, while official data studies tend to show a strong correlation. Rather than attempt to explain the discrepancy, the authors take the surprising tack of arguing that there is no discrepancy to explain. This argument requires demonstrating that studies relying on official data do not, in fact, reveal the strong relationship between class and delinquency that they are generally assumed to reveal. The demonstration runs along five lines.

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16. It obviously is of interest to ask why this differential underreporting appears. The authors do ask, but they cannot answer the question. Pp. 178-79.

1. Many studies that show a strong relationship between class and delinquency when official data are used do not actually examine the relationship between delinquency and the social class of individuals. Rather, they show that there is a strong relationship between delinquency rates and the social-class composition of areas (p. 184). It is well known in statistics that correlations between variables measured at some aggregated level have no simple relationship to the correlations between the same variables measured at the level of the individual. Self-report studies examine the relationship at the level of the individual, and cannot be compared directly with many official data studies. Much of the evidence for the purported discrepancy, therefore, rests upon what has been called the "ecological fallacy."<sup>17</sup>

2. Certain classic demonstrations of the discrepancy rest on misleading statistical analysis. The seminal Short-Nye study of 1957 measured the relationship between class and institutionalization, using pooled data from an institutionalized population and a general population. The pooled data included a far higher proportion of institutionalized individuals than would a random sample of the total population. The strength of the measured relationship between class and institutionalization depends critically on the proportion of institutionalized individuals in the data analyzed.<sup>18</sup> The result, therefore, substantially overestimates the relationship between the two in the total population. Once this problem is taken into account, the discrepancy between the official and the self-report data vanishes (pp. 185-86).

3. A number of studies based on official data in fact show no substantial relationship between class and delinquency and do not purport to do so (pp. 186-88).

4. Several studies using both kinds of data show the relation-

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17. The classic discussion of the ecological fallacy is Robinson, *Ecological Correlations and the Behavior of Individuals*, 15 AM. SOC. REV. 351 (1950).

18. This point is difficult to explain, but an example may help clarify it. Suppose we have a population containing youths officially recorded as delinquent and youths officially nondelinquent. Among the delinquents, three quarters of the youths are categorized as lower-class, one quarter as middle-class. Among the nondelinquents, one quarter are lower class, three quarters middle class. How strong is the relationship between class and delinquency? By most measures of the strength of a relationship, the answer depends on the relative numbers of delinquents and nondelinquents. If there are, say, as many delinquents as nondelinquents, the relationship is a moderately strong one. If we select a youth at random, knowing his class allows a modest improvement in the prediction of his delinquency status. Three quarters of the lower-class youths are delinquent, while only one quarter of the middle-class youths are delinquents. On the other hand, if delinquents are only, say, 3% of the total population, information about class is of little help in predicting delinquency, because the two classes do not differ so much in their proportions of delinquents: 1.0% of the middle class, and 8.5% of the lower class are delinquent.

ships to be essentially the same regardless of which kind of data is used. At least one of these studies was written as though there were a discrepancy, despite the absence of a discrepancy in its published data (pp. 188-89).

5. Analysis of the data developed in the Seattle study shows no substantial relationship between class and delinquency however the two variables are measured.

The conclusion that Hindelang, Hirschi, and Weis reach on the class question, then, is that there is no discrepancy between the two methods. While this conclusion may be valid, it is ultimately unsatisfactory, for it does not support a further conclusion about just what the relationship between class and delinquency is. Some self-report studies indicate that delinquency *does* depend upon class (pp. 189-90). It may be that the relationship appears weak when researchers divide the world into delinquents and nondelinquents, and strong when there is more of an attempt to take into account the seriousness, and especially the frequency, of delinquent acts. However, this possibility is not fully explored.

### III

The authors have nevertheless accomplished a great deal. The disquiet that occasioned *Measuring Delinquency* is to some extent lessened by it. If the authors are correct, and I believe they are, they have shown that the results of most delinquency research do not depend on whether official or self-report data are used, and in the few instances where the results do depend on the kind of data, they do so for understandable reasons. The more extravagant attacks on one or the other form of data are groundless, or at least do not support arguments for exclusive reliance on the other form of data. All of this means, in short, that the initial choice of data base is not nearly as critical as one might have thought.

*Measuring Delinquency*, however, suggests other grounds for disquiet. It suggests that for twenty years or more, groups of social scientists concerned about the same phenomenon have been talking past each other. It suggests that empirical studies can survive twenty years of misleading, or simply wrong, interpretation, sometimes by their own authors. It suggests that the findings of empirical social science must, to put it mildly, be treated with caution. Few will have the resources to subject published research results to the kind of searching analysis Hindelang, Hirschi, and Weis report. Because those who need reliable empirical research for policy purposes are perhaps least likely to have these resources, the prospects for policy

based on sound empirical findings are dim.<sup>19</sup>

While *Measuring Delinquency* is an important contribution to the annals of social measurement, it is important to realize what the book does not demonstrate. It does not demonstrate that we have even modestly accurate methods of measuring juvenile delinquency. For most purposes of theory and policy, it would be desirable to have valid and reliable measures of the rate at which individuals commit delinquent acts of various kinds. But the book contains little evidence that asking youths how often they have committed certain kinds of acts produces measurements of this kind, and still less evidence that official data produce such measures. Judging from the difficulties encountered in measuring the rate at which individuals are victimized by crime,<sup>20</sup> it will be a long time before we have tested useful measurements of this character. It is slightly comforting to know that the differences between the measures we now have are less serious than some have thought, but it would be more comforting to know that the measures are good ones.

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19. I do not mean to suggest that social scientists had been unaware of the kind of problem discussed in *Measuring Delinquency* until that book appeared. Useful methodological discussions had appeared earlier. See, e.g., Reiss, *supra* note 13. But earlier discussions certainly did not force error from the field. Of course, neither may *Measuring Delinquency*.

20. See, e.g., PANEL FOR THE EVALUATION OF CRIME SURVEYS, COMMITTEE ON NATIONAL STATISTICS, NATIONAL RESEARCH COUNCIL, SURVEYING CRIME (B. Penick & M. Owens eds. 1976).