

---

---

*COMMENTARY*

---

---

Memory for Abuse:  
What Can We Learn  
from a Prosecution Sample?

Jennifer J. Freyd

**KEYWORDS.** Child abuse, memories, victimization, disclosure

In March 2003, *Psychological Science* published an article by Goodman and colleagues examining memory for prior childhood abuse in a sample of adolescents and young adults who as children had been the victims of childhood abuse that lead to criminal prosecution. At the time of the prosecution cases, the children in this study had been part of a research project conducted by Goodman and colleagues (Goodman et al., 1992). This sample has particularly well-documented abuse histories because of the criminal investigation and prior research. For the follow-up research reported by Goodman et al. (2003) in *Psychological Science*, participants had been asked to report any ex-

---

Jennifer J. Freyd, PhD, is Professor in the Department of Psychology at the University of Oregon.

Address correspondence to: Jennifer J. Freyd, Professor, Department of Psychology, 1227 University of Oregon, Eugene, OR 97403-1227 (E-mail: [jjf@dynamic.uoregon.edu](mailto:jjf@dynamic.uoregon.edu)).  
Website: <http://dynamic.uoregon.edu/>

Submitted for publication 2/14/03; revised 3/11/03.

Journal of Child Sexual Abuse, Vol. 12(2) 2003  
<http://www.haworthpress.com/store/product.asp?sku=J070>  
© 2003 by The Haworth Press, Inc. All rights reserved.  
10.1300/J070v12n02\_05

perience of childhood sexual abuse. Failure to report the documented abuse could arise because of forgetting. Goodman et al. (2003) reported that 81% of the participants reported the documented abuse, a proportion that is somewhat higher than in some previously published prospective studies assessing memory for abuse (e.g., Williams, 1994). Near the end of the paper, the authors summarize their findings: "Results from this study indicate that forgetting of CSA may not be a common experience, at least not in a prosecution sample" (p. 117).

The Goodman et al. (2003) paper is a very important one in a number of regards, including the unique sample that was assessed. Because the participants had been involved as children in criminal cases related to their victimization (a so-called "prosecution sample"), documentation for the abuse was particularly thorough and offered researchers the opportunity to compare later disclosures with documented records. However, along with the fact that the paper provides important new information, there is a substantial risk that the research reported in the paper might be misinterpreted. In particular, the results of this research might be generalized to non-prosecution samples. This inappropriate generalization could dramatically change the interpretation and application of the results reported in the paper. Is forgetting "uncommon" in general among abuse survivors, or rather, is it remarkable that there was such a high rate of non-disclosure in this unusually legitimated and rehearsed sample? The first interpretation seems the likely one to be made from this paper by a superficial reading, in part because nowhere in the title or abstract is it mentioned that the sample is a prosecution sample. The first four sentences of the abstract frame the issue in a way that is likely to emphasize the first interpretation:

Previous research indicates that many adults (nearly 40%) fail to report their own documented child sexual abuse (CSA) when asked about their childhood experiences. These controversial results could reflect lack of consciously accessible recollection, thus bolstering claims that traumatic memories may be repressed. 175 individuals with documented CSA histories were interviewed regarding their childhood trauma. Unlike in previous studies the majority of participants (81%) in our study reported the documented abuse. (Goodman et al., 2003, p.113)

The abstract could have been written to describe the same data, but drawing attention to the difference between this sample (a prosecution sample) and previous research samples (e.g., samples of adults who as children had been admitted to an emergency room for sexual trauma, adults in the community, university students, or treatment-seeking individuals), differences that would likely increase memorability of CSA. Indeed, the results can be presented as

striking because so many individuals who had been involved in a prosecution situation nonetheless failed to disclose the abuse when later interviewed.

A crucial factor to consider when evaluating psychological research is the generalizability of the results from the sample population to other populations. Because consideration of sample generalization is so crucial to good scientific process, this is a central lesson in research methodology classes. When the research might be applied to controversial and real-life situations, it becomes an ethical imperative to look closely at the appropriateness of generalization in order to avoid misusing research.

Childhood abuse cases that make it to criminal prosecution are different from the vast majority of child abuse cases in a number of important ways. The Goodman et al. (2003) sample is not at all a random sample; it is not even a representative sample of populations other than, perhaps, prosecution samples. Many factors distinguish prospective prosecution samples (adults who were as children abused and then involved in child abuse prosecution cases) from adults who were as children abused and who were not subsequently involved in prosecution, and these factors are likely to impact subsequent disclosure and memory. Five factors are listed below. The first two factors relate to a *selection bias* at the time the children are accepted into the sample. The subsequent three factors relate to what may be called *memory enhancement* effects of the prosecution experience itself.

1. On average, children who display memory gaps or inconsistencies or who cannot articulate their abuse are less likely to be accepted by prosecutors (who are selecting cases in part on assessed probability of winning) than are children who are verbally compelling and display good consistent memory for their experiences (Gray, 1993).
2. Prosecution samples typically have a larger proportion of extra familial offenders than do non-prosecution samples (Gray, 1993).
3. On average, once children are in prosecution samples (and possibly before), they experience more public exposure regarding their victimization, whereas most child abuse sexual victimization is kept secret.
4. Once children are in prosecution samples (and possibly before), they receive a certain degree of legitimization, whereas most child abuse victimization is denied. In prosecution samples, belief is a prerequisite for those who are willing to prosecute the cases, and sometimes the judge or jury display belief as well. In prosecution cases, important family members often display belief of the child.
5. Once children are in prosecution samples (and possibly before), they are afforded the opportunity and or requirement to articulate their own experiences, whereas most child abuse victims have very little opportunity to discuss their abuse. In some cases, this opportunity/requirement to

discuss and repeat discussion of the abuse may be sufficient to be considered analogous to a “memory rehearsal” intervention, as when a participant in a laboratory memory experiment is given the opportunity to rehearse material for later memory tests.

These factors are each expected to influence the cognitive feasibility of remembering and forgetting (for instance, the recoding that occurs due to shareability, Freyd, 1996) and/or the opportunity to form new memory traces that might aid later recall (such as remembering the court case as a way to remember the abuse). Also, in the Goodman et al. (2003) study, it appears that the families consented to research participation at the time of prosecution, apparently agreeing to a series of interviews over two years (Goodman et al., 1992). Not only might these many opportunities to discuss the abuse, rehearse the memory, and have it legitimated likely enhance later recall, but these many discussions may later be remembered and then confused with memory for the abuse itself.

Furthermore, not only mechanisms but also motivations to forget or remember are likely to be influenced by the prosecution experience. For instance, a possible motivation, betrayal blindness in order to protect a relationship (Freyd, 1996), would presumably be reduced when the abuse is no longer secret and when caregiver relationships may already be ruptured or when caregiver relationships have already survived the exposure of the abuse that is inherent in the process of prosecution.

I am not aware of anyone who has suggested that forgetting CSA would be common in a sample of children whose abuse was prosecuted. Given these special characteristics of such a sample that should all contribute to memorability and thwart forgettability, it is actually quite striking that 19% of the participants *did not* disclose the abuse when interviewed later. (However, it is unclear what percentage of those non-disclosures was due to forgetting or to some other reason.)

Interestingly, on the memorability of abuse that was disclosed and believed at the time, the authors report a finding relevant to social context: Goodman et al. (2003) reported that 80% of individuals who received maternal support at the time of the criminal investigation disclosed the abuse upon later interview, versus 68% of those who did not receive such support. Regarding this finding, the authors comment that: “Individuals who, as children, felt believed, supported, and legitimated when making their allegations may be more willing or able years later to discuss their victimization” (p. 116). This insightful comment is key to interpreting the results of the whole study.

Differences in social support may also be important in understanding the observed effect of race. The authors report that the nondisclosure rate for Afri-

can Americans was 30%, substantially higher than the average for their sample. Future research will need to evaluate whether this effect relates to the racist bias impacting the legitimizing aspects of the event (e.g., were African American children as likely to be believed at the time by attorneys, etc?).

In addition to reporting disclosure rates, the authors report testing various predictors for disclosure. The tests apparently involved creating composite or dichotomous variables (e.g., abuse ended at age 5 versus after age 5) and then using logistic regression. Given the low total number of participants who did not disclose, and the unusual sample, these tests are subject to problems with both power and unrepresentativeness. Among the many predictors that failed to show a statistically significant effect, the authors note that “relationship betrayal” was not a statistically significant predictor. It is difficult to determine precisely the manner by which “relationship betrayal” was operationalized in the test. In some studies in which a betrayal trauma prediction has been tested (e.g., the Williams prospective study; see re-analyses presented in Freyd, 1996), the results were significant, but would not likely have been significant for as small a sample size of disclosers as in the Goodman et al. (2003) sample. Thus, lack of statistical power is a possibility. Maybe more important, however, are all of the many ways this sample differs from non-prosecution samples that would pertain to the feasibility and motivation for forgetting betrayal traumas (as discussed above). Betrayal effects on memorability of abuse have been found in at least six other data sets, including Williams’s prospective sample (for more detail, see Freyd, 1996 and 2003, and Freyd, DePrince, & Zurbriggen, 2001)

Another predictor that apparently failed to reach statistical significance was “legal involvement.” However, the authors report that: “Of the 51 participants who testified in court, 8% did not disclose, compared to 17% of the 59 participants who went to the courthouse to testify but never took the stand and 21% of the 58 who never went to the courthouse in the target case” (p. 116). This data reporting is followed with this statement: “Of note, even for the 58 individuals with limited legal involvement, the proportion of nondisclosers was considerably smaller than that in former studies” (p. 116). The interpretation is puzzling because the trend in the data is consistent with the hypothesis that opportunities to talk about the abuse, to have it legitimated, and to form new memory traces are associated with a higher disclosure rate later. In fact, the non-disclosure rate for those who did not go to the courthouse is 2.6 times higher than the non-disclosure rate for those who testified. Given the low statistical power in this sample, and the particular tests used, this is statistically not a significant finding, but the trend is fairly striking. Moreover, the 58 participants who did not go to trial nonetheless presumably did have opportunities to discuss the abuse, and were believed by at least some law enforcement and

legal staff. So the 21% of them who did not later disclose may be interpreted as a remarkably high percentage given the presumable presence of factors that are likely to increase memorability and/or be confounded with memorability (in other words, memory for the abuse versus memory for talking about the abuse)—factors that were not typically so present in the “former studies.”

A predictor that did reach statistical significance, severity of abuse, is described as a composite measure of abuse severity consisting of abuse duration, extent of sexual contact, amount of force used, and extent of injury sustained because of the abuse (range 2-10). (Some researchers might question combining these factors, as some might be expected to produce more remembering and others less.) The authors reported that:

Contrary to the notion that abuse severity should be negatively associated with disclosure, victims of more severe abuse were more likely to disclose (mean severity for disclosers = 4.93) than were victims of less severe abuse (mean severity for nondisclosers = 4.37). These results appear consistent with the idea that memory for abuse, like memory for other events, is positively affected by event duration and salience (e.g., extent of sexual contact, level of force and injury, which were indicators of abuse severity). (Goodman et al., 2003, p. 116)

At the conclusion of the paper the authors noted that this severity effect and the age effect indicate that “These finding do not support the existence of special mechanisms unique to traumatic events, but instead imply that normal cognitive operations underlie long-term memory for CSA” (p. 117). This is a curious statement, since the existence of “special mechanisms” (whatever they are—perhaps this might include processes that might lead to forgetting of abuse by trusted caregivers), if they do exist, would presumably not imply that “normal cognitive operations” fail to exist as well. Furthermore, the severity factor may have been confounded with factors that relate to legitimating the abuse in the eyes of others. To the extent that legitimated abuse is more likely to be disclosed later (as suggested by the author’s interpretation of the maternal support finding), the more severe abuse may be more memorable and/or more likely to be disclosed.

It will be very important in future research to evaluate possible confounds that come with different sorts of samples (see also Freyd, 1996 and Freyd, DePrince, & Zurbriggen, 2001 for discussion of prospective samples and memorability of abuse). Future research will need to evaluate the contributions of possibly confounding factors that are hypothesized to contribute to cognitive feasibility (being believed, having the event exposed, articulating the event) as well as to contribute to motivations to remember or forget (such as

the role forgetting might play in preserving a relationship). These factors will likely vary both as a function of documentation of the abuse and the extent to which the abuse is exposed through prosecution. Especially needed are samples with at least 3 groups: A group corroborated by subsequent evidence (e.g., perpetrator confession), a group with contemporaneous corroboration (such as medical records or child protective files), and a group with both contemporaneous documentation AND prosecution experience. Such samples are likely to produce different patterns of subsequent disclosure and subsequent memorability. Future studies using prosecution samples will also need to distinguish memory for the abuse from memory for the prosecution experience itself (in which the abuse was discussed); this will be a very difficult distinction to make, but is necessary to address a critical confound in prosecution samples.

In the meantime, it is critical that we take care to avoid generalizing from highly unusual prosecution samples to populations that may have fundamentally lacked the opportunity of being “believed, supported, and legitimated.”

#### REFERENCES

- Freyd, J. J. (1996). *Betrayal Trauma: The Logic of Forgetting Childhood Abuse*. Cambridge, MA: Harvard University Press.
- Freyd, J. J. (2003). *What is a Betrayal Trauma? What is Betrayal Trauma Theory?* Retrieved February 10, 2003 from <http://dynamic.uoregon.edu/~jjf/defineBT.html>.
- Freyd, J. J., DePrince, A. P., & Zurbriggen, E. L. (2001). Self-reported memory for abuse depends upon victim-perpetrator relationship. *Journal of Trauma & Dissociation* 2, 5-17.
- Goodman, G.S., Ghatti, S., Quas, J.A., Edelstein, R.S., Alexander, K. W., Redlich, A.D., Cordon, I.M., & Jones, D.P.H. (2003) A prospective study of memory for child sexual abuse: New findings relevant to the repressed-memory debate. *Psychological Science*, 14, 113-118.
- Goodman, G., Taub, E.P., Jones, D. P. H., England, P., Port, L. K., Rudy, L., & Prado, L. (1992). Testifying in criminal court. *Monographs of the Society for Research in Child Development*, 57 (5, Serial No. 229).
- Gray, E. (1993) *Unequal Justice: The Prosecution of Child Sexual Abuse*. New York: The Free Press.
- Williams, L. M. (1994). Recall of childhood trauma: A prospective study of women's memories of child sexual abuse. *Journal of Consulting and Clinical Psychology*, 62, 1182-1186.