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The Spotlight Guide to Child Erotica

by Brian J. Kelly - Supervisory Cyber Analyst

IPPC Technologies' Spotlight Team uses the following definition, which stems from information contained in *United States v. Paul D. Edwards* (10 Cir. 14-5083 - United States v. Edwards), to classify child erotica: *"Content that is sexually arousing to persons having a sexual interest in minors but that is not, in and of themselves, obscene or that do not necessarily depict minors in sexually explicit poses or positions. Includes but not limited to fantasy writings, letters, diaries, books, sexual aids, souvenirs, toys, costumes, drawings, cartoons and non-sexually explicit visual images."* Child Erotica was an early addition to the Spotlight

Alert Criteria due to concerns over sex offenders having active sexual fantasies about minors, as well as the risk of escalating behavior if not addressed. "Law enforcement investigators have found that child erotica is often collected by pedophiles and child sexual abuse offenders. It may be collected as a form of compulsive behavior and as a substitute for illegal underage pornography and is often a form of evidence for criminal behavior." (Wikipedia https://en.wikipedia.org/wiki/Child_erotica).

When evaluating potential child erotica, the Spotlight Team is required to consider the following factors:

1. Preferences: The content must meet known preference information (gender, age range). Preference information is obtained, when available, from officer input (Case Details), court documents (file descriptions, victim info, etc), news reports, etc. If a Spotlight Analyst is unable to locate preference information, or preference information contradicts potential validation, the Spotlight Analyst must send a request for information regarding preferences to the case officer.
2. Sexualized Content: The content must be considered sexualized, which includes but is not limited to: skimpy/revealing clothing such as bikinis, short skirts, or underwear; portrays child in sexually suggestive manner (e.g. erotic posing); child modeling, beauty pageantry; non-CSAM/lascivious exhibition nudity (nudist, etc); written content describing minors engaging in sexual behavior.

3. Focused On/Seeking Out Content: The content must contain indicator(s) the PUS was focused on/seeking out content, which includes but is not limited to : search terms; saving/downloading content; liking social media posts, following social media profile.
4. *Applies to Post-Pubescent Only*: Content must contain indicator(s) performer is a minor (hashtags; profile info, clothing)

Spotlight Analysts must be well-versed on definitions contained in 18 USC 2252 & 2256, specifically, "lascivious exhibition (includes simulated) of the anus, genitals, or pubic area" and The Dost Test (as outlined in our August 2024 article "[School is Back in Session: The Miller & Dost Tests](#)"), to avoid inaccurately validating potential suspected CSAM as child erotica.

The Spotlight Team has observed content that met the internal threshold for child erotica in all aspects of online behavior such as: online shopping (e.g. searching for images of children in bathing suits); social media, including content recommended by the platform (e.g. gymnastics images/videos); stock photography sites, etc.

In 2024 thus far, Child Erotica alerts have made up the majority of alerts generated by the Spotlight Team. As we regularly evaluate all Spotlight Alert Criteria, we have encountered varying responses from the field in regards to identified child erotica. This may be in part due to the legality of the content as we are unaware of any scenario where child erotica would be considered illegal. The state of New Jersey had established a law making certain child erotica illegal, but the law was ultimately considered unconstitutional and overturned by the New Jersey Supreme Court

earlier this year
(<https://www.njcourts.gov/cases/57-22>).

Given these and other factors such as urgency, the Spotlight Team has removed Child Erotica as a general rule from the Spotlight Alert Criteria. Suspected child erotica will still be evaluated as indicated above and reported by Spotlight validations in Spotlight Case Summary reports, which are typically same-day notifications. If a case has in place a specific condition of supervision prohibiting accessing/viewing/possessing child erotica (or similar language), this would fall under the Spotlight Alert Criteria - Evidence of a Violation of Special Condition. The Spotlight Team will continue to evaluate all Alert Criteria and update/modify criteria as necessary.

Officers can improve the relevance of information received from Spotlight by entering the following information in the Case Details section of each case in the Next Gen interface:

- Offense: arrest/conviction and prior criminal conduct
- Preference: age, gender, details
- Contact with Minors Restriction (YES/NO)
- Organization Affiliation
- Current Areas of Concern

Officers can access and edit Case Details by logging into the IPPC Next Gen interface and clicking on the appropriate Case Number.

If a custom RISK word is added to case settings in Next Gen, such as a victim name, officers can add tags to identify those custom RISK words for the

Spotlight team. After adding the custom word, click Add Tag and several checkboxes will appear for selection. The current options are:

- Victim
- Officer
- Co-Defendant
- Treatment Provider

Multiple tags can be selected. Please be sure to save settings before exiting.

IPPC Technologies continues to strive towards predictive and proactive solutions so officers can intervene early, address areas of concern and change behavior. Spotlight is a data analysis service provided by IPPC Technologies that uses human verification augmented with artificial intelligence (AI) technologies to validate content captured and flagged by IPPC's monitoring and analysis solutions. Spotlight's mission is to provide agencies and officers with streamlined and verified leads, for possible intervention opportunities related to concerning behaviors. For more information on Spotlight, please call IPPC at (888)-WEB-IPPC or contact me directly at bkelly@ippctech.net or by calling (516)341-4201. Agencies receiving the Spotlight service can give feedback any time via the Spotlight Performance Survey: <https://forms.office.com/r/K9JpsNjKHE>



IPPC TECHNOLOGIES
PO BOX 60144
KING OF PRUSSIA, PA 19406
TEL: 888-WEB-IPPC (932-4772)
INFO@IPPCTECH.NET
WWW.IPPCTECH.NET

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