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New Mexico jury hears about child sexual exploitation on Meta Platforms

By [Madeline Hughes](#)

February 25, 2026, 02:06 GMT | Insight

While [Meta Platforms](#) reported an overwhelming number of tips to the [National Center for Missing & Exploited Children](#), it was simultaneously allowing groomers to access children on its platform, a jury in New Mexico heard on Tuesday.

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“When we put children on playgrounds, we watch, right?” Brian Levine, the director of Manning College’s Cybersecurity Institute, said, drawing a distinction between what happens in the real world versus online. There’s no one watching when kids are “introduced by a platform that children trust because there’s celebrities and people they know on it, and then, and then they're being recommended to groomers.”

Testimony Tuesday focused on the proliferation of child sexual-abuse materials on Meta's websites, with testimony from Levine and Fallon McNulty, the executive director of the Exploited Children Division. Levine spoke about what the company knew internally about child sexual exploitation on the platform, while McNulty focused her testimony on the quality of actionable information Meta publicly reported.

Levine focused much of his testimony explaining internal documents related to how Meta dealt with "inappropriate interactions with children" on its website.

Understanding inappropriate interactions with children "has been historically challenging to enforce on [Instagram](#), both because we do not collect ages of users, and the detection of sexualized conversation usually occurs in messages which receive limited review and will no longer be accessible going forward, unless user-reported," Levine read from a 2018 internal report.

The main issues for understanding the interactions on Instagram were two-fold: Meta didn't know users' ages besides the boxes people checked, so it couldn't accurately tell when inappropriate conversations were happening between children and adults, and because Meta planned to encrypt chats, it would be totally blind to interactions within chats, he said.

"You're abandoning children to a black box of abuse in the end," Levine said.

Facebook Messenger chats are currently protected by end-to-end encryption. Instagram offers end-to-end encryption for users to opt into, but it is not the default.

Another internal document showed that Meta's friend-recommendation algorithm helped foster relationships between adults who were known to have inappropriate interactions with children, Levine said. About 8 million accounts on the platform were known to have inappropriate interactions with children and about 31 percent of the friends for those accounts were minors, which they found via the recommendation algorithm, Levine said.

"Days after [CEO] Mr. [Mark] Zuckerberg expressed confidence about child safety to the House of Representatives," Guy Rosen, Meta's chief information security officer, wrote an email to Adam Mosseri, the head of Instagram, saying that the company is "behind and we are just sinking our teeth into" the problem of child exploitative imagery, Levine said.

“How could they just be sinking their teeth into” the issue of child exploitive imagery on the website known to have lots of children on it six years after Meta bought Instagram, Levine said.

According to documents from 2023, the company was still having similar issues, Levine said.

Kevin Martin, the vice president and head of global policy at Meta, sent an email in 2023 voicing his concern about Meta’s protections for children talking to adults on the platform.

The email “is quite astonishing. He's saying that we have these policies — limits on risky adults, age limitations, no 35 [year olds talking] to 16, and a requirement there be a connection — and then he immediately says, these have never been enforced. And he is a high level person in charge of policy at Meta,” Levine said.

Throughout the documents, Levine saw a repeated pattern of “people who are in charge of revenue arguing with people who have concerns about public safety [...] it's always a tension between what's best for children but what's best for the company in terms of revenue,” he said.

— Public reporting of images —

Meta has long been a supporter of the National Center for Missing & Exploited Children’s cyber tip line. It’s long reported content to the center and been a financial supporter.

In January 2024, when testifying before Congress, Zuckerberg cited the center as a supporter of the platform’s efforts.

“We find and report more inappropriate content than anyone else in the industry as the National Center for Missing and Exploited Children. NCMEC put it just this week, Meta goes ‘above and beyond to make sure that there are no portions of their network where this type of activity occurs,’” he said at the time.

Lawyers for Meta emphasized the company’s relationship with the center during opening arguments in the trial.

However, the relationship between the center and Meta was more complicated, with Meta reporting an overwhelming number of images that were often unhelpful, hindering law enforcement, McNulty said Tuesday

In 2023, she wrote to Meta informing them that the platform's reports lacked credibility with law enforcement, she said.

"Many of these concerns that were raised have been topics that had been spoken about for some length of time; things like meme and tagging and file-related issues had been going on for years at that point," McNulty said.

"Viral and meme content was being reported over and over again," and "cyber tip line reports that were coming in related to accounts that had been hacked or compromised," were only linked to the people who originally owned the accounts, thus leading law enforcement to dead ends, McNulty said.

About two-thirds of Internet Crimes Against Children Units across the country declined to accept Meta's e-tips due to the degraded quality at the time, McNulty said.

In 2024, there was a "severe decline" in the quality and quantity of reports to the center's cyber tip line, McNulty said in her video deposition.

During cross-examination, McNulty explained that while the law requires platforms to report child sexual-abuse materials, the "provider may choose to provide within a report."

NCMEC has also "recently seen improvement over the last two years or so. In this regard, historically, there have been other periods of time in which improvements have taken an extremely long time to be implemented," she said.

New Mexico sued Meta in December 2023 (see [here](#)).

Levine is set return to the stand to continue questioning by the state Wednesday.

- *MLex viewed the trial on Courtroom View Network.*