

The Cybercrime Cascade Effect and the Effectiveness of Criminal Justice Responses

Maria Grazia Porcedda, University of Leeds

This paper develops the ‘cascade effect’ outlined in Porcedda and Wall (2018 & forthcoming) which describes the process by which ‘upstream’ cybercrime such as data breaches cascade data ‘downstream’ to give rise to further crimes, such as fraud, extortion, etc. The process by which the data breach takes place and the data is subsequently processed is marked by various key tipping points where the data is ultimately used to commit further crimes. As part of the larger EPSRC CRITiCal project, the paper will use a grounded theory approach to conduct legal empirical analysis on 50 cases (20 in depth) decided in English and Welsh courts between 2010 and 2019 to explore the various tipping points in the journey downstream that constitute this cascade effect. It will also explore how the effectiveness of criminal justice responses may be blunted by the scale of data crimes as well as misalignment between civil and criminal law but may inform future investigative strategy.