

# SUMMARY

English summary of Brå report No 2007:5

## Crime goes underground

Crimes against historical sites and remains

**brå**

brottsförebyggande rådet

**The Swedish National Council for Crime Prevention – centre for knowledge about crime and crime prevention measures.**

The Swedish National Council for Crime Prevention works to reduce crime and improve levels of safety in society by producing data and disseminating knowledge on crime and crime prevention work.

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## Historical remains under threat?

In Sweden, as in many other countries, there is great concern over the threat that plundering may pose to historical remains, and there is widespread interest in this question among those working for the protection of Sweden's cultural environment. It has been noted that metal detectors are commonly employed in the context of illegal excavations (see *inter alia* Östergren, 1985; Hammarstedt, 1999; Gustafsson, 2000). Since 1991, there has been a general prohibition against the use of metal detectors in Sweden, although it remains legal to buy, sell and own one.

The problems have been most evident on the island of Gotland, where plunderers have also been arrested and sentenced. Otherwise there are few cases where crimes of this kind have been proven. The question then is how extensive is such plundering in Sweden. Andreas Hennius (2004) of the Uppland museum states that, "We estimate that between 80 and 90 percent of the sites of finds of gold artefacts in Sweden have been searched by plunderers using metal detectors over recent years," with this figure being based on subsequent investigations conducted at known sites of gold artefact finds. In his licentiate dissertation Leif Häggström concludes that 2.5 percent of the land investigated during the Vittene-project<sup>1</sup> had been plundered with the aid of metal detectors (Häggström, 2001). In this case the investigations were not limited merely to the sites of gold and silver finds but instead covered specified areas of land. The two figures do not therefore allow for a comparison.

In Sweden, shipwrecks more than 100 years old are classed as historical remains and are thus protected under the Heritage Conservation Act. In Swedish waters there is a unique wealth of wrecks as a result of the favourable marine conditions, which serve to conserve these wrecks. Besides a small number of marine archaeologists it is sport divers who have the best knowledge of the shipwrecks. Many divers have an active interest in the preservation of these wrecks but there are also divers who remove souvenirs and trophies from such sites. The well-preserved wrecks are viewed as a marine world heritage since it is not only Swedish vessels that have foundered and been preserved in our waters.

In addition to plundering and souvenir hunting there are other offences related to historical remains. These involve various kinds of damage which may, for example, occur in connection with farming and forestry and other forms of land use. Unlike plundering, little attention is focused on offences involving damage of this kind. For this reason there is a pressing need to investigate the true extent of this particular type of cultural heritage crime.

The Swedish National Council for Crime Prevention (Brottsförebyggande rådet - Brå) conducted a comprehensive study (Cultural Heritage Crime – The Nordic Dimension, Brå 2006:2) to map cultural heritage crime in the Nordic countries. The study concluded that further research was necessary to shed light on this type of crime, and not least offences involving historical remains.

### Objectives

The central objective of the Crime Goes Underground project has been to improve upon the existing knowledge about the extent and the structure of crime related to historical remains in Sweden. This report describes factors associated with illegal excavations, damage to historical remains and the plundering of shipwrecks in Sweden and also discusses preventive measures to combat such crimes. The overriding goal is that of highlighting the problems associated with

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<sup>1</sup> The Vittene-project was initiated subsequent to the discovery of a unique find of gold relics at Vittene in Västergötland.

crimes related to historical remains and of increasing awareness about the crimes committed against such remains.

The research questions addressed in the Crime Goes Underground project are as follows:

- What is the character of the crimes, which types of historical remains are targeted and how are the offences committed?
- What are the motives for these crimes and who commits them?
- How are such crimes detected and which cases result in a prosecution?
- Is it a national problem or is it limited to certain regions?
- Is the extent of this problem increasing or decreasing?
- How can these crimes be prevented?

The scope of the study is limited to crimes against historical remains in Sweden.

## Investigating crimes against historical remains

Offences related to historical remains are underground crimes in both the literal and figurative senses of the term. Such offences are difficult to detect and to investigate. This is due to the fact that historical remains are often located in places that are rarely frequented by large numbers of people. In addition, many historical remains have yet to be discovered and recorded. This creates substantial difficulties for the development a clear conception as to the extent and structure of the crime involving such remains.

In order to address these difficulties, the study has employed several methods and sources of data:

- 1) A census survey of all crimes relating to historical remains that resulted in a conviction in Sweden between 1973 and 2005, in the form of a review of the court judgements issued during this period. The existing legislation on cultural remains, namely the Heritage Conservation Act, came into force in 1989. The study also includes court judgements relating to offences against the Historical Remains Act (1942:350), the Historic Buildings Act (1960:690), and the Act on Protection against the Export of Certain Older Cultural Artefacts (1985.1104) – i.e. the laws which preceded and have now been replaced by the present legislation. Altogether 39 court judgements had been issued in relation to these Acts, of which 36 concerned crimes related to historical remains.
- 2) A questionnaire survey concerning suspected offences from the period 2001–2005. The survey was primarily focused on county administrative boards, which constitute the relevant supervisory authorities in this area, and on county museums, but the questionnaire was also sent to a number of other businesses and organisations active in the field of cultural environmental protection. The total sample comprised 91 respondents of which 64 sent a reply of some kind and 59 completed the questionnaire.

Among the items included in the questionnaire, there is a question regarding knowledge of suspected crimes related to historical remains (under chapter 2, sections 21-21a of the Heritage Conservation Act) and whether these suspicions had been reported to the police. Many respondents said they found it difficult to answer questions about the number of suspected crimes, and referred to the fact that no statistics are kept. Questions were also asked about the circumstances surrounding suspected crimes – the type of environment,

the type of historical remains involved and also the suspected perpetrators and their motives.

- 3) A number of interviews were carried out, both at the start of the project to serve as a guide for the subsequent work and later to acquire more detailed information. The respondents included representatives of the supervisory authorities, culture conservation organisations, the police, and divers interested in marine archaeology.
- 4) When investigating the extent of a given type of crime it is common to use data on the number of reported offences. Even if not all crimes are reported, such data can provide an indication as to possible increases or decreases in the level of crime over time. However, reported crimes relating to historical remains are not registered under a unique crime code of any kind which means that offences of this kind cannot be distinguished in the official statistics.<sup>2</sup> Instead a small study was conducted on the basis of a request for data on crimes reported to the police authorities in four counties. Here too the sample was restricted to the period 2001–2005. The police authorities in question had recorded a total of 26 reports relating to suspected offences involving historical remains.

### **Definitions of offences**

Chapter 2, sections 21 – 21a of the Heritage Conservation Act contains definitions of crimes and of aggravated crimes related to historical remains. Since this category of crime includes different types of offences we have divided these into two sub-categories in order to facilitate an understanding of the subject matter. The different categories of offences will be referred to as "find-offences" and "damage-offences". There are also a number of cases where an offence against the Act has been committed without any damage having resulted. In the text, offences of this kind are designated "permit procedure offences".

The typical find-offence involves a perpetrator who has actively been looking for historical remains or has chanced upon a find that should fall to or be offered to the state, but who fails to report the find and instead keeps it. Damage-offences occur in situations where the activities of the perpetrator affect the historical remains in some way. It is often a question of damage occurring in connection with different kinds of land use.

The expression "permit procedure offence" primarily refers to offences that are not related to a find and that in addition have not entailed any disturbance or damage to historical remains. In cases where a metal detector has been used and where it is quite clear that the intention has been to search for historical remains, these have been categorised as "find offences", irrespective of whether or not it has been possible to prove that a find has been made. Other cases of unlawful use of a metal detector, however, have been classified as permit procedure offences.

## **Theoretical model**

The crimes focused on historical remains that have been described above assume many different forms. It may be difficult to imagine a market devoted to the damage of historical remains but below we shall also relate damage-offences, if not to a market perspective, at least to an economic societal perspective.

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<sup>2</sup> Data on offences that are assigned unique crime codes are otherwise available in the official crime statistics, for which the National Council is responsible.

The previously published report, Cultural Heritage Crime - the Nordic Dimension (Brå 2006:2), presented an explanatory model for cultural heritage crime, from motives and targets to the market for objects of cultural value that had either been stolen or otherwise dealt in illegally. The present report expands on some of the details in this model. These details involve the plundering of objects from the ground and from shipwrecks (find-offences). We also take up the matter of historical remains that have been subjected to damage or destruction (damage-offences) and the breach of various regulations aimed at protecting such remains (permit procedure offences).

The enlarged model presented in Figure 1 is divided into two parts. The upper section focuses on find-offences listing such factors as motive, opportunity, the objects of crime, service functions and market. Typically, the crimes referred to as find-offences have economic motives and the historical remains end up on a market; the motives may also be collector interest or a desire to acquire souvenirs or trophies, however. This is particularly common in relation to the plundering of shipwrecks. The opportunities for committing find-offences are abundant, since the objects of these crimes are often unprotected and unsupervised. The objects of these crimes consist in historical remains such as coins, jewellery, tools, black oak and ship's equipment. Damage to historical remains may also occur in connection with the commission of find-offences. Common service functions that serve to facilitate crimes of this kind include lists of historical remains and equipment such as metal detectors and GPS.

In the lower section of the model the perspective is reversed. A kind of market exists that provides various incentives of a more or less economic character and leads to the perpetration of damage-offences or permit procedure offences. The background to these offences may be the desire to be able to construct a building or to finish a building project before a certain date. There is often an element of ignorance or carelessness involved. This part of the model focuses on such factors as market, motive, opportunity and the objects of crime. The term market here refers to other aspects of the economy than the demand for different commodities. Farming and forestry are conducted in a rational way and this rationality comes into conflict with the preservation of historical remains. The same applies to the needs of society for housing, industries and infrastructure. These crimes are motivated by the desire to comply with this societal rationality and the resulting damage can affect historical remains both in the ground and under water. Opportunities to commit crime are created by the fact that the land is exploited to a high degree, that historical remains can be difficult to identify (the use of the land itself does not attract any special attention, and no-one notices that historical remains are being damaged) and that there is uncertainty as to the regulations that apply.



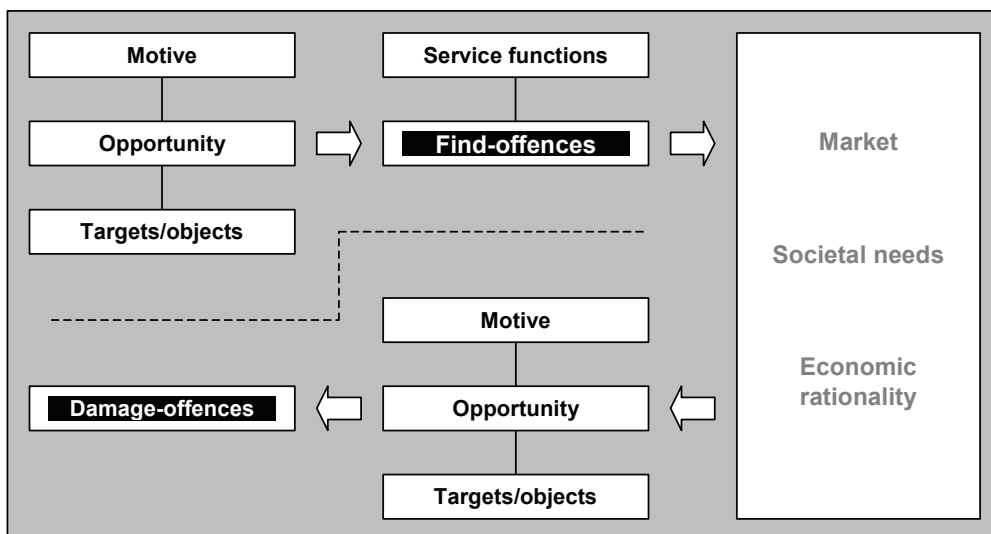


Figure 1. Schematic model of historic-relic offences.

The current study has not focused on examining the nature of the market and its links to crime in any detail.

## Results

### Examination of court judgements

Damage offences of various kinds account for a large majority of the offences that have both been detected and have then resulted in convictions (26 cases out of the total of 36). Find-offences, relating to illegal excavations or to the non-reporting of finds, account for six cases. The remaining cases relate exclusively to permit procedure offences. Five of the 36 court judgements relate to offences involving the use of metal detectors. Three of these are find-offences; the fourth may be called an attempted find-offence resulting in damage, while the fifth merely involved the unlawful use of a metal detector.

There may be several explanations for the fact that the detected offences that resulted in convictions more commonly involve damage or some other disturbance of historical remains than they do find-offences. One explanation is that the offenders involved may more often be identifiable in cases involving damage, since they may be associated with various kinds of documented land development projects. Another explanation is that damage and disturbance are often visible and can be demonstrated after the event whereas it is difficult to prove that something has vanished when there is no prior knowledge of its existence and it has simply been lying concealed in the ground. It is also reasonable to assume that the number of land owners and land developers who may cause damage is greater than the number of potential plunderers.

The court judgements are relatively evenly distributed across Sweden, although there are counties where no such court judgements have been issued. Gotland has issued more court judgements relating to find-offences than the rest of Sweden (three of the six find-offence judgements). No significant increase or decrease was noted in the number of court judgements over the period of slightly over 30 years covered by the study.

Table 1. No. of court judgements distributed in 3-year periods 1973–2005

Period when court judgements were issued	Type of offence			Total
	Find	Damage	Permit procedure	
1973–1975	2	0	0	2
1976–1978	0	3	0	3
1979–1981	0	2	1	3
1982–1984	1	3	1	5
1985–1987	0	4	0	4
1988–1990	0	2	0	2
1991–1993	2	3	0	5
1994–1996	0	3	1	4
1997–1999	0	2	0	2
2000–2002	1	3	1	5
2003–2005	0	1	0	1
Total	6	26	4	36

#### Crime locations and types of historical remains targeted

The most common types of crime location involved building land and various types of farm land. Roughly half of the cases involved damage to graves and burial sites. In four of the six cases the find-offences had no connection with any previously known permanent historical remains. One case involved the plunder of a shipwreck, although there was a suspicion of one further case of wreck plundering. This latter case illustrates the difficulty of linking objects to concrete find-offences – it cannot be proved where the find was taken from, since it is impossible to know what was in the ground or in the water at different locations.

#### Offender and motive

The offender is in most cases a private person, but the offence has in several instances been related to some form of land use. There are also a number of farmers among the offenders. In most of the damage-offence cases, the motive can be described as ignorance or carelessness, whereas the motives behind find-offences have in all cases been interpreted as involving collector interest or economic motives.

In two cases, the sanction took the form of a prison sentence, and in the other cases a fine. Compensation for damage was imposed in five of the judgements.

#### Reported offences

We requested data on reported offences from four police authorities – those in the counties of Gotland, Västernorrland, Västmanland and Västra Götaland. During the period 2001 – 2005 these authorities have together registered a total of 26 reports of suspected offences against the Heritage Conservation Act. The largest numbers were recorded in the counties of Gotland (thirteen offence reports) and Västra Götaland (eleven). Västmanland reports having registered one reported offence and Västernorrland two, of which one had been incorrectly categorised as an offence involving historical remains and is therefore not included here. During the same period, three court judgements have been issued in these four counties – two in Västra Götaland and one in Västernorrland.

In eight cases the reports relate to suspected find-offences. Seven of these cases – all of which concern Gotland – involved the use of metal detectors; one case was linked to a shipwreck. If Gotland had not been included in the sample, however, only one of 13 reports would have been related to a find-offence. One of the suspected cases of damage-offences is linked to forestry, whereas most of the other cases are linked to other types of land use. Some cases relate to pure vandalism. Just over half of the offence reports had been filed by the county council, sometimes after being contacted by private persons. In four cases at least, the suspected plundering had been reported by the land owner. In eight cases, the offence reports also include information on a suspected offender.

The find-offences make up a greater proportion of the reported offences than they do of the offences which have resulted in a court conviction. This could mean that find-offences are more difficult to investigate than other offences and that investigations into these cases are more likely to be abandoned. In some cases we asked for more information about the results of the investigation into the reported offences. All of these investigations had been abandoned without leading to a prosecution, the reasons being given as “no leads for an investigation exist”, “offender unknown” or “offence clearly impossible to investigate”.

### **Questionnaire study**

Unlike the studies of court judgements and offence reports, the questionnaire study may be viewed as an attempt to come closer to the true extent of crime involving historical remains. In view of the role played by county councils and county museums, we have devoted special attention to the answers provided by these respondents. We received replies from 20 of 21 county councils and from 19 of 22 county museums.

A comparison of proven criminality (resulting in a court conviction) and suspected crime, strengthens the impression that damage-offences are considerably more common than find-offences. The proportion of damage-offences is even greater among the suspected offences than among the offences that resulted in court convictions. Few of the respondents reported knowledge of suspected find-offences. Only nine respondents – two county councils, four county museums and three other respondents reported knowledge of suspected find-offences. Together they were aware of 28 suspected offences. (The same suspicions may be shared by several respondents). A total of 40 respondents reported knowledge of damage-offences.

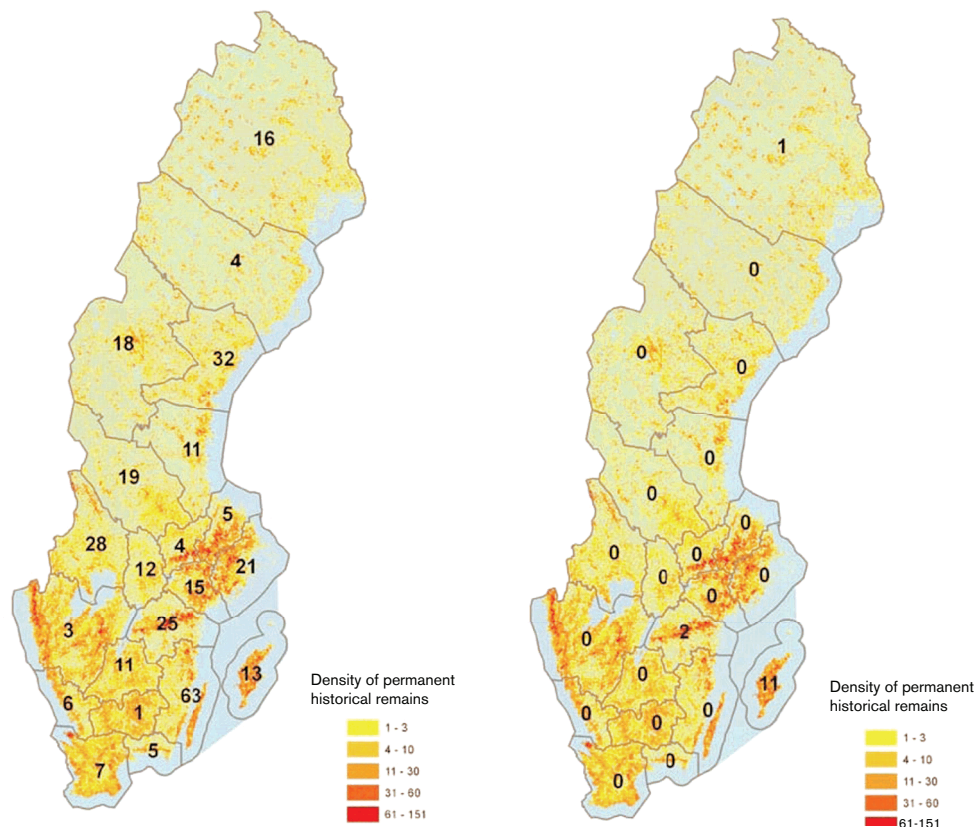
The answers to the questionnaire survey may be interpreted as indicating a certain increase in crimes of this kind over recent years. It may also be the case that it was easier to remember suspected cases from more recent years. As regards damage-offences, part of the explanation is that Hurricane Gudrun resulted in the compilation of additional damage inventories, which also resulted in the discovery of suspected crimes. This also constitutes a good example of how the number of detected offences is proportional to the amount of monitoring activity that is conducted, something that is also typical of economic crime for example (cf. Korsell, 2003).

Table 2. Suspected offences, period 2001–2005.

Year	Find-offences	Damage-offences
2001	0 (1)	35 (41)
2002	2 (1)	25 (40)
2003	1 (2)	35 (53)
2004	3 (0)	53 (72)
2005	6 (2)	87 (51)
Total	12 (6)	235 (257)

The figures refer to suspected offences that had come to the knowledge of county councils. The responses from county museums are presented in parentheses.

The geographical distribution of the offences is described in the figures below. Whereas the damage-offences are distributed across the entire country, the suspected find-offences are concentrated to Gotland.



Figures 2 and 3. Distribution of suspected damage-offences (left) and find-offences (right) respectively. The map also shows the density of known permanent relics.

#### Crime locations and types of historical remains targeted

The majority (over two-thirds) of suspected offences have been committed on forestry land, which must be linked to the fact that a large majority of the crimes involve damage-offences and have probably occurred in connection with forestry work. Other environments or types of land that are mentioned by more than isolated respondents are building land and pastures. Graves constitute the type of historical remains that are most often subjected to offences, with sites of settlements coming in second place (in slightly under half as many cases). The response "other remains" was reported equally as frequently as graves however.

The fact that it is graves that are most often subjected to crime corresponds well with the offences described in the court judgements. The link found in the questionnaire survey between many of the offences and various types of forestry work is not reflected in the court judgements presented above, however, where only a few of the offences described were related to forestry land. The questionnaire also dealt with the reporting of offences to the police, where it was found that a much smaller proportion of the suspected damage-offences are reported to the police, and this may apply to crimes related to forestry in particular.

#### Offender and motive

Damage-offences and find-offences are by their very nature different kinds of offence and they have different backgrounds. As regards find-offences, the respondents described *hobby collectors*, *plunderers with a profit motive* and *foolishness on the part of private persons* as likely perpetrators and motives. With regard to damage-offences the responses were *negligence on the part of forestry*

*workers, ignorance or negligence on the part of a land developer and carelessness on the part of farmers and other land owners* respectively. Different kinds of land developers and land owners are described as being important perpetrators of damage-offences, whereas the court judgements referred mainly to “private persons”.

### Shipwrecks

Shipwrecks are taken up separately here, since the study’s most important finding is that the knowledge of supervisory authorities is poor regarding crimes against historical wrecks. The principal conclusion that can be drawn from the responses to the questionnaire survey is that souvenir-hunting and carelessness are more important factors than pure plunder for profit. The following are mentioned as probable motives and offenders: *Carelessness/foolishness on the part of both sport divers and boat-owners, souvenir hunters/collectors and plunderers with a profit motive*. Many of the responses indicate some uncertainty on the part of the authorities engaged in crime prevention.

### Reporting crimes

As has been mentioned above, the questionnaire study shows that only a small proportion of the damage-offences were reported to the police. During the period between 2001 and 2005, county councils reported 38 of a total of 235 suspected damage-offences to the police whereas eight of twelve suspected find-offences were reported.

Several reasons were given for the lack of willingness to report these crimes: inadequate evidence, lack of time, the statute of limitations having expired, a settlement having been reached and obscurities in the legislation. Ignorance, “a feeling that it is pointless” and a lack of clarity regarding the issue of responsibility were also given as causes.

### The reporting and reappropriation of historical remains

Historical remains that are for sale often awaken suspicions that plundering has taken place. It was therefore of interest to examine how many finds are actually reported to the authorities and what sort of interest these actors have in reappropriating these finds. The willingness to report finds is of course related to compliance with the law, which lays down that certain finds must fall to or be offered to the state and must therefore be reported.

Whilst it is not possible to know how many finds are made every year, we can nonetheless verify that finds are reported to some extent. In the period 2001 – 2005, 98 reports of the discovery of historical remains were made to eleven county museums and county councils.

## General conclusions

The overall impression given by the different studies and by the interviews can be summarised in a few points; these points are then expanded upon below:

- Damage-offences constitute the major problem and there is a tendency not to report these offences.
- Ignorance and carelessness are important causes of offences being committed, as is a lack of clarity regarding the regulations.
- Supervisory and heritage-preservation authorities express uncertainty about how they should act and say that reporting crimes of this kind serves no purpose.

- The police rarely feel that they are given sufficient information to warrant starting an investigation.
- The overall impression in combination with data collected at interview is that the offences often fall between different actors' spheres of perceived responsibility as a result of ignorance and uncertainty on the part of the authorities concerned.

### **Damage – the “volume crime” in the field of historical remains**

The accepted general view is that historical remains throughout the whole of Sweden are under threat from plunderers and that the country's cultural heritage is being dissipated by the hunt for these treasures. Our study provides almost no support to suggest that this represents a true picture of the actual threat. In fact, the major problem comes from the damage that is constantly being done to historical remains in connection with various forms of land use. Damage occurs in connection with farming and forestry and other types of land development and land use.

There are few confirmed cases of plundering in Sweden, nor are there many suspected cases. Nevertheless, it is a fact that plundering is difficult to detect. A hole in the ground may be the only trace, and only the ground knows what may have lain there. Despite the difficulties in acquiring better knowledge of plundering offences, our assessment is that these constitute a smaller problem than damage-offences. The plundering that does occur may nevertheless be quite serious enough and certain areas and objects may be targeted by crime particularly often.

### **Ignorance and carelessness lie behind the majority of offences**

The reasons for damage-offences are often inadequate knowledge and carelessness. In addition, the offences are committed in connection with land development which is governed by economic considerations involving time-pressure and a demand for efficiency. The upside is that causes of this kind provide good opportunities for preventing these crimes.

It may also be difficult for the layman to recognise certain historical remains when they are encountered in the course of work. For many it may also be difficult to navigate the various regulations and authorities involved.

By comparison with those who commit damage-offences, plundering offenders have a stronger motivation for their crimes. Plundering offences include everything from spontaneous souvenir hunting to planned looting operations.

## **Measures for crime prevention**

### **Collaboration, knowledge and guidelines**

The picture of motives that has emerged from the studies signifies that measures for crime prevention should be based on two components. With regard to land owners and land developers, the supervisory authorities should first of all adopt a collaborative approach, whereas more effective anti-crime measures are required in relation to motivated plunderers.

Working in collaborating with those who cause damage means that the authorities must establish active contacts with land owners and entrepreneurs. Historical remains will be protected more effectively if an increased emphasis is placed on preventive work rather than on responses and sanctions when the damage has already been done. Knowledge and clear guidelines are the key words in this context. Improved collaboration between the different agencies involved is a necessary condition for this approach.

In order to effectively deal with suspected plundering offences, the crimes must first be detected. More crimes can be detected by means of an increased surveillance of areas that are targeted and not least by means of improved contacts with land owners and others who can serve as the eyes of the authorities. (Some of the reports made to the police in Gotland provide examples of this). Crime prevention can be made more efficient by improvements in the level of collaboration between supervisory authorities and the police. We should also ask ourselves how we might assemble and take advantage of existing police competence in the area of crimes against historical remains and other cultural heritage offences.

### **Shipwrecks in Swedish waters – marine world heritage**

Much of what has been said above also applies to shipwrecks. The most salient point to emerge from the study is that knowledge on crimes involving shipwrecks is almost non-existent. It is also clear that the agencies of crime-prevention have poor knowledge of existing regulatory frameworks in this area. In view of the rich collection of well preserved shipwrecks lying in Swedish waters there is much to be done in order to increase their protection. The serious sport divers constitute important allies in this work.