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NIGHTHAWKS and DAYHAWKS:
heritage thieves with metal detectors

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Nighthawking is currently a hot topic in archaeology, owing to media interest in Oxford Archaeology's 2009 report and the highly publicised discoveries of the Staffordshire and the Stirling Hoards. Earlier this year there was also the first ever prosecution made under the *Treasure Act* 1996 (Dolan and Alberge 2010), 13 years after the Act came into force, although it is unclear whether it was directly connected with metal detecting. What is actually meant by the term 'nighthawking'? Furthermore, what does the current interest in the issue mean for the relationship between archaeologists and 'responsible' metal-detector users?

The name, 'nighthawk' offers the activity an element of danger or glamour that it does not deserve. Perhaps perpetrators should just be called 'looters' or 'thieves', since this is what they are.

Nighthawking, 'the illegal search for and removal of antiquities from the ground by criminals using metal detectors, without the permission of the landowners, or on prohibited ground such as Scheduled Monuments' (Oxford Archaeology 2009: 1) occurs in England and Wales in a number of circumstances (the different procedures and legislation in other parts of the UK are not discussed in this article). While the term implies that this activity only takes place at night, it can occur in the daytime, which has led some metal-detector users to use the term 'dayhawk' as well. In England or Wales, in order for activities to constitute nighthawking, a metal-detector user may have discovered a Treasure find, but failed to declare it within the required time (fourteen days); detected on private land without permission (with anything found constituting theft from the landowner, or the Crown if Treasure); detected on a Scheduled Monument without authorization, violating the *Ancient Monuments and Archaeological Areas Act* 1979 (Part III, Section 42 – OPSI 2010); or, failed to disclose to a consenting landowner what had been found, especially items of financial value and/or Treasure (theft from the landowner and/or the Crown).

Additionally there are 'grey areas' of questionable activity, which, while not necessarily nighthawking, are certainly connected. For example, as there is no legal obligation to record non-Treasure finds with the Portable Antiquities Scheme (PAS), there is no clear way of making sure that all finds are recorded with their correct findspots. Sometimes finds are not reported to avoid drawing attention to sites where the landowner has stipulated that the exact location must not be disclosed (perhaps due to fear of nighthawks, or that land may become scheduled). In other cases, it may be that deliberately incorrect provenances are created as a means of legitimising finds that have actually been discovered illegally, for example from trespassing on a scheduled area. Incorrect finds recording can cover the tracks of actual nighthawking. At the very least this muddies waters of the archaeological record, possibly throwing doubt on all findspot data in databases such as PAS. Unauthorised (and unchecked) export is also a problem. If a metal-detector user from overseas detects in England or Wales and wishes to take finds, especially undeclared Treasure, out of the country, there are knock-on issues regarding export regulations and the illicit trade in antiquities.

As many will know, the relationship between archaeologists and metal-detector users in England and Wales today is very different from that of thirty years ago, when the STOP (Stop Taking Our Past) Campaign was in full swing across the UK, headed by seven national heritage organisations. STOP was at loggerheads with the Detector Information Group (led by metal-detector users and manufacturers). Some metal-detector users are now concerned that the publication of the *Nighthawking Survey* (Oxford Archaeology 2009) and the media attention inspired by the Staffordshire Hoard (such as Mike Pitts' BBC Radio 4 documentary 'In Pursuit of Treasure' and the National Geographic and Channel 4 special on the Hoard, both in 2010), has brought focus away from the law-abiding hobby and onto the (much smaller) criminal element. Metal detecting online discussion forums and detecting magazines frequently cover this. One comment in the April edition of *The Searcher* argued the publicity represents, 'the covert aspirations of English Heritage ...using the problem of Nighthawks to support their scaremongering tactics to dupe land owners and the public' (McGorry 2010: 60). Ahead of a recent conference co-organised by the Council for British Archaeology (CBA) and Newcastle University, the National Council for Metal Detecting, withdrew their participation, removing two speakers and a chair. They stated in a letter circulated to conference delegates, that they were concerned at the 'continued use of the issues and opportunities the current focus on nighthawking has given to attacking the hobby of metal detecting rather than the criminals and damage that this costly English Heritage project (*the Nighthawking Survey*) was intended to address' (Wells 2010, author's explanatory text in brackets).

After the Newcastle conference (see www.britarch.ac.uk/cba/events/portants2010), metal-detector users that did attend indicated they welcomed the opportunity to talk openly about shared issues and concerns, including nighthawking. Speaking at that conference, and also the IfA's Heritage Crime session, was Chief Inspector Harrison, on a twelve-month secondment to English Heritage to reduce heritage crime. His appointment demonstrates a positive development towards focussing efforts on finding solutions for, or procedures to follow when dealing with, many of the criminal threats to heritage. It also reminds us that nighthawking is only one threat to the historic environment. Harrison's suggestion that metal-detector users could assist the police by providing evidence of rural crimes has captured the imagination of many hobbyists.

Recent observations indicate that at least some metal-detector users perceive an 'intentional' association by the media of nighthawking with responsible metal detecting. However, it is clear from within the heritage sector that this is only an imagined threat, with no plans afoot to launch any repeat of the STOP Campaign. Nonetheless, nighthawking can never be acceptable. Despite the indications from the *Nighthawking Survey* that the scale of illegal activity may have decreased (also suggested by contacts within the metal detecting community), the fact that nighthawking occurs at all is damaging to archaeological heritage, as well as a cause for concern to landowners due to the trespassing and theft that are involved. The name, 'nighthawk' offers the activity an element of danger or glamour that it does not deserve. Perhaps perpetrators should just be called 'looters' or 'thieves', since this is what they are.

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