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Privatising Internal Security in Post-Communist Poland

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Abstact *The question of the loss of typical areas of state authority has been present in the literature for several decades. This issue is sometimes described as 'governance without a government.' At the same time, minimal research has been devoted to a more systematic analysis. Such work would include the linking up of theory-driven and empirically-rooted research programmes. This study attempts – at least partially – to fill this void. This project is threefold: first, some basic definitional problems are identified; the public-private distinction and privatising of various sectors in post-Communist countries are just two of the most critical. Second, a short description of the legal framework is provided. Here, relevant legislative activities and overseeing procedures are the focus. Third, an empirical review reveals several reasons for the private security sector's success: 1. a massive expansion of private ownership and the impotence of state authorities to secure it effectively, 2. technological advances and 3. the availability of critical resources in the form of people and information.*
This study concludes that the post-Communist environment is especially favourable and conducive to the private security industry. The main reasons for this include (but are not limited to) the knowledge, experience and contacts of former secret police officers.

Keywords: Poland, post-Communist environment, internal security, private sector

Introduction

The loss of the ability of nation states to act is not a new phenomenon.

Even in a post-Westphalian world characterised by a state-centrist perspective, one may easily find some state-free "empty" spaces. But it is only recently that policy scholars have concluded that we may be in a situation of 'governance without a government.'[1] Thus, a space for privatisation research has opened up, and the group of former Communist countries seems to be one possible area of investigation. This study has the following structure: first, key definitions are provided; non-state actors, the public-private distinction and privatisation are three of the most crucial areas on this point. Second, the legal framework is described briefly with a focus on legislative activities and supervisory procedures. Third, some reasons for the success of the private security sector are revealed based on an empirical investigation of how the private security market functions in contemporary Poland.

Context: Definitions and Theory

The issue at hand – privatising security policy – is closely related to the issue of private and non-state actors (NSAs). Broadly speaking, an NSA is any actor that does not have the characteristics of a state.[2] Thus, we may assume that an NSA is an actor that concurrently meets the following criteria: 1. it is located outside of a governmental structure and 2. it does not insist on its exclusive and legitimate right to use force. This argument is heavily based on Max Weber's definition of a state, which sees the right to use force legitimately as one of the most important features of a state. At the same time, we should recall that some NSAs also occasionally use force; terrorist networks and organised crime groups are just two of the most critical and infamous players here.[3] Consequently, we may assume that NSAs – or more simply, private actors – occasionally use force legitimately just as nation-states have always done.

The description of a private entity is, however, only complete if we juxtapose it with its alter ego—the public entity. The public/private distinction may be looked at from different angles. We can, for example, apply a "functionalist" framework. Here, public may be to private as the 'whole [is] to the part,'[4] and examples include phrases like "public opinion," "public interest" and "public health." Thus, a public entity is often functionally understood as a "state" entity. Furthermore, public actors are usually treated as relatively open and accessible to the majority of members of a given community.[5] In contrast, the normative approach is probably one of the most widely used; its legal focus allows

for an analysis of the issue from the perspective of rights and powers.[6] The public/private distinction is then based on the assumption that public (i.e. state) entities, embodied in their officers, represent the interests of the larger group, up to the level of the inclusive "national interest." On the other hand, private activities serve non-governmental bodies and typically aim to achieve the interests of minor actors. The point is illustrated, for example, in the US where a piece of 2003 legislation defines an 'inherently governmental' activity as

> an activity that is so intimately related to the public interest as to mandate performance by government personnel. These activities require the exercise of substantial discretion in applying government authority and/or in making decisions for the government. Inherently governmental activities normally fall into two categories: the exercise of sovereign government authority or the establishment of procedures and processes related to the oversight of monetary transactions or entitlements.[7]

The issue is rather complicated in Poland where there is no single piece of legislation on "inherently governmental" activities. However, a 1981 statute on government-based enterprises declares in its Article 7 that public administrative institutions may constitute government enterprises.[8] Another crucial provision relates to the scope of such enterprises: Article 5, thus, stipulates that government enterprises may operate activities of two kinds; general ones and those which are public services. Whereas the former seem self-evident, the latter call for more careful consideration. According to Article 6 of the legislation, public services include activities aimed at 'meeting on-going and unremitting public needs' particularly in the areas of 'sanitation services, urban public transport, energy supplies, state-owned property management, state-owned forest management, cemetery management and culture-related services.' Security services are not included in the list, and thus, they may be treated as activities not reserved for government enterprises.

There are occasions when the interests of minor actors (i.e. those from a particular social group such as workers in a specific industry) are represented by state authority bodies. However, because of this state-led component, the agenda here is not treated here as "private" but as "public." Thus, by definition, any state-run activity would be seen as a public activity. If this argument seems self-evident, then we

should also acknowledge that it is far from being comprehensive.

It is worth mentioning that the public/private distinction has been questioned on the basis that it is neither accurate enough nor absolutely complete.[9] Since the two kinds of activities are interrelated, it is useful to look at them more critically. Can social processes be reduced to just the two mentioned dimensions? And, is any activity here exclusively public or private? How, for example, do we situate the Catholic Church? By its very name and status as a common and ubiquitous entity, it should be placed in the public realm.[10] Furthermore, in practice, based on the signing of a concordat with a given country, priests and nuns may have certain duties analogous to those of civil service officers.[11] At the same time, however, the Catholic Church is formally part of the structure of only one state—the Vatican. Bearing in mind the suggestion to define "private" as separate from state activities, we should logically acknowledge that the Catholic Church could be treated as a private entity since it is institutionally separate from other (non-Vatican) states.

Given these ambiguities, we may conclude that an institutional separation does not necessarily reflect a normative or functional perspective. This makes it even more difficult to maintain the public/private distinction rigidly, and the security sector is one example of this tension. The issue calls out for an additional category, and the business environment may be helpful here with its well-known example of public-private partnerships (PPP).[12] Thus, the public/private definition leaves us with nothing more than a sense that we should acknowledge the existence of a certain continuum, a hybrid public-private sphere.[13] By doing so, we will be less prone to reduce policy to just the bureaucratic '*pulling and hauling*' apparent in top-level offices.[14]

Notwithstanding the above, the role of private entities also draws attention to the phenomenon of "privatisation." Generally, this is associated with economics and understood to involve the transfer of some goods and services from the state to private entities.[15] This economic focus is also explicit in the Polish legal framework under 1996 legislation on the commercialisation and privatisation of government enterprises.[16]

In Central and Eastern Europe, the process of privatisation is widely perceived in the context of the transformations of the late 1980s, but privatisation is also widely known in many Western socio-economic models. Here, privatisation has a twofold sense: it is a synonym for

the loss a certain amount of state authority and consequently for the "filling of the void" by private entities.[17]

In considering the reasons for the privatisation process, we may include:

1. The economic argument: the performing by private actors of certain formerly state-held duties allows for the reduction of some budget outlays[18]
2. Public opinion:
   a. growing distrust of state authorities
   b. declining concern about public affairs, which tend to be seen as too abstract, too distant and unrelated to the given individual
   c. pressure to introduce privately run services which are perceived to be more effective and flexible and better managed
3. Ideology: the need to build an active, participatory civil society
4. The "twilight zone" or "let-someone-else-do-the-dirty-work" argument: this is the view that transferring some state activities into private hands will avoid scrutiny and accountability or, in the official parlance, have "risk-sharing" benefits.[19]

Privatisation may have various characteristics: first, the supply of some former state goods and/or services may be "outsourced" to private actors. Private military/security companies (PMSCs) and intelligence activities are just two of the best known examples of this phenomenon. Second, privatisation may be intended to implement rules already settled by states.[20] Lastly, some private actors may be responsible for institutionalising rule-making activities.[21] The subsequent section is devoted to outsourcing.

The Legal Framework

Normative regulations in Poland apply to a range of security-related entities/activities including security companies, detective agencies, information and intelligence gathering, lobbying and public relation services.[22] Given the focus of this study, only the first of these is discussed below.

Basic regulations on security agencies in Poland are contained in 1. the Act on the Protection of People and Property which was adopted by parliament in 1997 (and has been in force since 27 March 1998)[23] and 2. dozens of executive regulations issued by the Ministry of the

Interior and Administration, the Ministry of Defence and the Ministry of Finance. While the 1997 legislation does not explicitly use any form of the term "private security company," it is clear that its provisions apply to all entities, including private ones. Specifically, the legislation regulates the following:

- places, buildings and facilities subject to mandatory protection
- establishment and operation of security firms
- business activities within security areas
- market entrance and specific requirements for security companies
- establishment of a national authority in charge of controls and inspections
- transport of firearms, munitions, explosives and other military equipment.

Since a detailed description of all these targets is beyond the scope of this study, we will focus instead on the most important items:

The Ministry of the Interior and Administration issues licences to private security firms after obtaining the opinion of the regional (local, provincial level) police chief bureau. To be granted a permit, applicants must be free of any criminal record, court conviction or ascertained threat to national security or the personal rights of citizens; they must not have had a relevant licence revoked in the last three years or been removed from the official company register because of fraudulent declarations or bankruptcy. Furthermore, individual applicants must be at least 21 years of age and have completed secondary-level education.

As well as regulating security firm owners, the 1997 statute sets requirements for company staff, who are divided into two broad categories: managers and operational officers. The former must:

- be citizens of Poland, the EU, Switzerland or an EFTA country
- be at least 21 years old
- have completed education to at least secondary level
- be eligible to enter into legal contracts
- have no criminal record
- present an endorsement issued by the regional police chief bureau
- present a medical examination report confirming their ability to perform their duties
- be trained in the security area (including certain elements of the

law).

Operational officers must also meet the above criteria, but they may be as young as 18 years old and they do not need to have security training.

Two critical issues arise here and are probably the most vigorously debated: what rights do private security officers have to perform their tasks? And what entitles them to carry firearms? It is worth focusing on each question in turn.

According to Article 36, Section 1 of the 1997 statute, security guards have the right to verify if an individual is allowed to be present in a guarded area, to check IDs, to order unauthorised individuals to leave an area they have entered and to apprehend and deliver to the state police any unauthorised individual who is considered to be 'presenting an outright serious danger to life, health or property.' In terms of the "negative" side of their vocation (i.e. what security companies may not do), such staff are forbidden from carrying out a search and/or seizing property.

Regarding the second of the debated topics – the right to carry and use firearms – another provision declares that security officers are generally allowed to use firearms and physical force ('coercive measures'), but further regulations apply to this activity. According to such executive regulations, private security companies require a special licence to be issued by the regional police chief. Very detailed legal provisions cover the storing of weapons after hours and the keeping of an in-depth weapons register.[24] The array of weapons available to private security companies includes pistols, revolvers, rifles, machine pistols, shotguns, electric stun guns (tasers) and police batons. According to the relevant provisions, security companies may also use dogs but may not use horses.

Article 42 of the 1997 statute stipulates that 'all security officers, when on duty, are treated as public officers and, thus, are protected by relevant regulations in the Criminal Code.' This provision clearly relates to the public/private distinction. Here, even private security officers are covered by the privileges that public officers normally enjoy, thus making the distinction even more difficult to maintain in practice.

As mentioned, the 1997 legislation also establishes the relevant national authorities which are in charge of the control and inspection of security firms. The two key institutions here are 1. the Ministry of the

Interior and Administration and 2. the regional (local, provincial-level) police chief bureau. Both are responsible for imposing administrative sanctions while the courts obviously handle any criminal activities. Administrative sanctions are basically restricted to the withdrawal of company licences and/or the permits of individual guards; the Minister of the Interior and Administration may decide on these penalties in the following cases:

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1. Causing a threat to:
    a. the national economic interest
    b. state defence or security
    c. the safety or personal property of citizens
2. Non-compliance with the 1997 statute
3. Failure to notify the licensing authority about an engagement in business operations
4. Failure to keep and/or store records of business operations or documentation concerning security employees and agreements signed under the executive regulation of the Ministry of the Interior and Administration.

Criminal sanctions are covered under part 8 of the 1997 legislation. Fines or imprisonment up to two years are envisaged for those who perform security duties without a proper licence or who neglect their duties. On the other hand, a security officer who acts outside the scope of their duties is subject to imprisonment for up to five years. Interestingly enough, following a 2013 amendment, those who hinder supervision of security firms' activities are also subject to imprisonment for up to two years.

More specific requirements relate to security personnel's uniforms, badges and IDs, which should be 'markedly different from those used by public officers.' In sum, the Polish legal framework does not differentiate between public and private security firms; the relevant 1997 statute applies to both categories of agencies. What appears particularly interesting, however, is that the legislation on security companies provides officers with protection equal to that of 'uniformed public officers.' A complete list of relevant institutions is included in the annex to this study.

The Private Security Business in Practice

There are several possible avenues for research on the empirical evidence for

privatisation.[25] Here, the aforementioned "functionalist" and "normative" perspectives might both be deployed. The former looks at the transfer of some former state activities into private hands ("pure" or "strict" privatisation), while the latter would focus on legal regulations and specifically the background and qualifications of personnel. Because the two dimensions – relevant company operations and the staff employed – are palpably interconnected in practice, this discussion considers them concurrently.

There are more than 3000 private security companies in Poland employing around 200,000 officers.[26] When compared to other post-Communist countries, the ratio of security staff to the population is as follows:

Table 1. Ratios of police and private security forces to the population in former post-Communist countries

Country	Police force to population ratio	Private security force to population ratio	Difference between police force ratio and private security force ratio
Bosnia and Herzegovina	1:217	1:2,295	-2078
Slovenia	1:256	1:326	-70
Slovakia	1:251	1:314	-63
Croatia	1:216	1:276	-60
Lithuania	1:290	1:294	-4
Bulgaria	1:155	1:132	23
Czech Republic	1:238	1:203	35
Serbia	1:218	1:146	72
Estonia	1:412	1:289	123
Latvia	1:300	1:105	195
Poland	1:388	1:190	198
Hungary	1:380	1:125	255
Romania	1:1,050	1:229	821

Source: Confederation of European Security Services (2011).

As shown, the greater the value in the first column is then 0, the weaker the public sector is in terms of the ratio of public officers to the population. And conversely, the smaller that number is, the stronger public sector security forces are. Notwithstanding the huge variations in these data, we may surmise that three factors are crucial for the relative success of private security companies: 1. the huge expansion of private ownership and impotence of state authorities to secure it effec-

tively, 2. the availability of critical resources (people and information) and 3. technological advances.[27] The first two of these factors seem especially important in a post-Communist environment. It is worth shedding some light on the Polish case.

The connection between private security staff and former Communist secret service officers is an open secret. Indeed, many of those who were not accepted into the state police or any other law enforcement institution after the 1989 checks found a safe haven in one of the security agencies. As has been described, the first relevant statutory regulation (the Act on the Protection of People and Property) was adopted by parliament in 1997 and came into effect in March 1998 – a full nine years after the first Solidarity-based government was created. Interestingly enough, the Act does not apply to detective agencies – another sanctuary for many former Communist secret service officers who are involved, for example, in debt recovery and information collection activities.[28] Furthermore, as we have seen, any supervising duties are conferred on regional police chiefs based on their discretionary powers. The power granted to security officers understandably raises questions: they are empowered with almost the same rights (and weapons) as police units, but enjoy much greater leeway. Another controversy surrounds the former officers of almost any state agency (see appendix). According to the present regulation, they are free to join any private enterprise with no "quarantine" period.[29]

Generally, taking certain activities out of government hands and transferring them to private entities raises a number of issues. Of these, one seems to be of special importance for security privatisation: accountability.[30] Since security companies are authorised to use coercive measures and even lethal force, the issue of scrutiny is by no means a minor one. The above-described structure in Poland makes it especially favourable for those who have been on the scene for many years. The existence of established social networks enables former officers to find a place when they are no longer performing their duties. This makes the issue even more fascinating: it turns out that the fundamental rationale for privatisation, economics, does not apply here. Typically, the logic would follow the well-known profit-oriented pattern for any commercial activity: if you pay, you'll get the service. However, the post-Communist environment privileges its human resources, making non-economic factors also an important part of private security companies' activities. The role of the above-mentioned networks of former

law enforcement officers and their contacts proves this point.

Conclusion

Privatisation, like probably any social process, has its limitations and may result in unwelcome effects. Costs such as the accumulating of power by former state officials and corruption allegations are at the top of this list.[31] The Polish case is no exception.

The above analysis shows that the Polish experience has been marked by circumstances that assisted many former (mainly Communist) law enforcement officers to find a safe place when leaving office. It is not unimportant here that the 1997 statute was drafted and passed by a post-Communist left-wing majoritarian parliament. It should be recalled, however, the pre-1997 period was filled with media coverage of the security industry and its mafia connections: money laundering, bribes, racketeering, blackmailing, prostitution, drug trafficking and illegal debt collection were not unusual in this context. Since the 1997 legislation, the private security business has been less scandal-prone (i.e. it is more civilised). At the same time, however, former security officers remain an important component of the sector. The transformed environment has been especially favourable and conducive to the private security industry. The main reasons for this include but are not confined to the knowledge, experience and contacts of former police officers.

The security industry in Poland has been treated just like any other business sector: given the free market orientation since 1989, it has been subject to privatisation activities. This stands in direct opposition to Western experiences, which are based on the view that private policing is more than just the "outsourcing" of a given state domain. As some commentators have noted, this means that the private interests at play may sometimes be 'inconsistent with, or even in conflict with, the public order proclaimed by the state.'[32] Furthermore, the free market paradigm may indeed be an 'effective form of regulation, but operate best where there is competition, an expectation of repeat encounters, and a free flow of information.'[33] It is striking that in the security environment hardly any of these requirements are met.

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Annex. Law enforcement institutions whose officers have the right to use coercive measures and firearms:

1. Homeland security agency (Agencja Bezpieczeństwa Wewnętrznego)
2. Intelligence agency (Agencja Wywiadu)
3. Government protection bureau (Biuro Ochrony Rządu)
4. Customs service (Służba Celna)
5. Central anti-corruption bureau (Centralne Biuro Antykorupcyjne)
6. Revenue control (Kontrola Skarbowa)
7. State anti-poaching hunting office (Państwowa Straż Łowiecka)
8. State anti-poaching fishing office (Państwowa Straż Rybacka)
9. State police
10. Army counterintelligence service (Służba Kontrwywiad Wojskowego)
11. Prison service (Służba Więzienna)
12. Army intelligence service (Służba Wywiadu Wojskowego)
13. Municipal police
14. Border guard patrol (Straż Graniczna)
15. State forest ranger service (Straż Leśna)
16. Parliamentary police guard service (Straż Marszałkowska)
17. Railroad protection guards service (Służba Ochrony Kolei)
18. National park ranger service (Straż Parku)
19. Military gendarmerie (Żandarmeria Wojskowa)
20. **Security officers under the statute dated 22 August 1997**
21. Road patrol service (Inspekcja Transportu Drogowego)

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Source: Article 2.1 of the statute dated 24 May 2013: Use of coercive instruments and firearms (Ustawa z dnia 24 maja 2013 r. o środkach przymusu bezpośredniego i broni palnej; Dz. U. z 2013 r. poz. 628, 1165, z 2014 r. poz. 24, 1199).

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Notes

1 James N. Rosenau and Ernst-Otto Czempiel (eds) (1992), *Governance without Government : Order and Change in World Politics*, Cambridge UP.

2 According to Hall and Biersteker, private authorities are 'neither states, state-based, nor state-created.' See Rodney Hall and Thomas J. Biersteker (2002), 'The Emergence of Private Authority in the International System,' in Rodney Hall and Thomas J. Biersteker (eds), *The Emergence of Private Authority in Global Governance*, New York: Cambridge University Press, p.5.

3 One commentator has expressed this as follows: the state 'claims a monopoly of force which it does not, and cannot, possess.' See John Hoffman (2003), 'Reconstructing Diplomacy,' *The British Journal of Politics and International Relations* 5 (4), p.527, doi:10.1111/1467-856X.00118, available at: <http://doi.wiley.com/10.1111/1467-856X.00118>.

4 Paul Starr (2007), *Freedom's Power: The History and Promise of Liberalism*, New York: Basic Books, p.55.

5 Ibid.

6 Ibid, p.57.

7 White House Office of Management and Budget (2003), OMB Circular No. A-76 (Revised): Performance of Commercial Activities, Attachment A: Inventory Process Washington, DC, para. B (1)(a), available at: <http://www.whitehouse.gov/sites/default/files/omb/assets/omb/circulars/a076/a76_incl_tech_correction.pdf>.

8 Ustawa z dnia 25 września 1981 r. o przedsiębiorstwach państwowych (as amended in 2013: Dz.U. 2013, poz. 1384.

9 See, for example, Maria Łoś (2005), 'Reshaping of Elites and the Privatisation of Security: The Case of Poland,', *The Journal of Power Institutions in Post-Soviet Societies*, no. 2, para 57, available at: <http://pipss.revues.org/351>, along with the literature cited in that analysis. Interestingly enough, some state authorities have gone so far as to acknowledge their impotence to determine clear definitions of "public" and "private" actions. For a case in point, see Select Comm. on Intelligence, Intelligence Authorization Act for Fiscal Year 2008, H.R. Rep No. 110-131, (2002) Washington, available at <https://www.congress.gov/110/crpt/hrpt131/CRPT-110hrpt131.pdf>.

10 The Greek word *katholikismos* literally means "universal."

11 Consequently, church "officers" may be paid from the state budget.

12 Cf. Tim Büthe (2010), 'Global Private Politics: A Research Agenda,' *Business and Politics* 12 (3). doi:10.2202/1469-3569.1345, available at <http://www.degruyter.com/view/j/bap.2010.12.3/bap.2010.12.3.1345/bap.2010.12.3.1345>. The PPP formula is included, for example, in the following passage from the EU cyber-security strategy: 'Legal obligations should neither substitute, nor prevent, developing informal and voluntary cooperation, including between public and private sectors, to boost security levels and exchange information and best practices. In particular, the European Public-Private Partnership for Resilience (EP3R) is a sound and valid platform at EU level and should be further developed…The European Public-Private Partnership for Resilience was launched

via COM (2009) 149. This platform initiated work and fostered the cooperation between the public and the private sector on the identification of key assets, resources, functions and baseline requirements for resilience as well as cooperation needs and mechanisms to respond to large-scale disruptions affecting electronic communications,' European Commission, *Cybersecurity Strategy of the European Union: An Open, Safe and Secure Cyberspace*, Brussels, 07 February 2013, p. 6, available at <http://eeas.europa.eu/policies/eu-cyber-security/cybsec_comm_en.pdf> (accessed 10 December 2014) .

13 Interestingly enough, even classical liberal ideology envisaged the operation of certain state-owned enterprises such as the army and law enforcement agencies. See Starr (2007), p. 55.

14 Donald E. Abelson (2006), *A Capitol Idea*, Montreal: McGill-Queen's University Press, p.127.

15 Cf. Maria Łoś and Andrzej Zybertowicz (2000), *Privatizing the Police-State: The Case of Poland*, New York: St. Martin's Press, p.154.

16 Ustawa z dnia 30 sierpnia 1996 r. o komercjalizacji i prywatyzacji (Dz.U. 1996 Nr 118 poz. 561).

17 Łoś (2005).

18 The austerity argument is by no means universal. One writer has noted that in the US, the cost of a contractor is 'about double that of a governmental employee.' See Simon Chesterman (2008), '"We Can't Spy ... If We Can't Buy!": The Privatization of Intelligence and the Limits of Outsourcing "Inherently Governmental Functions,' *European Journal of International Law* 19 (5), pp. 1056, 1059, doi:10.1093/ejil/chn055. http://ejil.oxfordjournals.org/cgi/doi/10.1093/ejil/chn055.

19 Select Comm. Intelligence, Intelligence Authorization Act for Fiscal Year 2014, S. Rep No. 113–120, (2013) Washington, DC, available at: <https://www.congress.gov/113/crpt/srpt120/CRPT-113srpt120.pdf>.

20 See, for example, the following rationale: 'The private sector needs incentives to ensure a high level of cyber-security; for example, labels indicating adequate cyber-security performance will enable companies with a good cyber-security performance and track record to make it a selling point and get a competitive edge.' European Commission (2013), p.12.

21 Philipp Pattberg (2004), 'The Institutionalisation of Private Governance: Conceptualising an Emerging Trend in Global Environmental Politics,' Global Governance Working Paper No. 9, p.10, available at: <http://www.glogov.org>.The point is developed theoretically—and empirically—in the literature on private governance. See Büthe (2010).

22 Łoś (2005), para. 27.

23 Ustawa z dnia 22 sierpnia 1997 r. o ochronie osób i mienia; <http://isap.sejm.gov.pl/DetailsServlet?id=WDU19971140740.

24 Specifically, '[w]eapons should be stored securely on site. Storage containers should be covered with a steel sheet with a thickness of more than 2 mm and have at least two deadbolt locks. Windows should be covered with steel mesh, permanently fixed in the wall bars, made from steel rods with

a diameter of at least 12 mm or flat steel of at least 8 mm x 30 mm; spacing between the bars of the grid should not exceed 120 mm x 120 mm, 80 mm horizontally and 240 mm vertically. The site must be equipped with a controlled burglar alarm. Arms and ammunition, which are not used for the tasks of protection, should be stored in steel cabinets in a warehouse,' Rozporządzenie Ministra Spraw Wewnętrznych i Administracji z dnia 21 października 2011 r. w sprawie zasad uzbrojenia specjalistycznych uzbrojonych formacji ochronnych i warunków przechowywania oraz ewidencjonowania broni i amunicji (Dz.U. 2011 nr 245 poz. 1462). See Ministry of the Interior and Administration Executive Regulation on the Storage and Registration of Firearms used by Security Vompanies, 21 October 2011, available via <http://isap.sejm.gov.pl/DetailsServlet?id=WDU20051451221>.

25 .Łoś and Zybertowicz (2000), p.20.

26 Confederation of European Security Services (2011), *Private Security Services in Europe*, Wemmel, Belgium: CoESS General Secretariat, p.90.

27 Łoś (2005), paras. 53, 58–59

28 The relevant statute was not adopted until 2001. Here, again the pattern of supervision by regional police chiefs and the Minister of the Interior and Administrations was duplicated.

29 Łoś (2005), para 33. The practice is also known as "bidding back"; see Chesterman (2008), p.1064.

30 Chesterman (2008), p. 1057.

31 Ibid, p.1056.

32 Clifford D. Shearing and Philip C. Stenning (eds.) (1987), *Private Policing. Newbury Park*, Calif.: Sage Publications, pp. 13-14.

33 Chesterman (2008), p.1068.