

**8.47C FALSE IMPRISONMENT (FALSE ARREST) (Approved 1/97)**

**A. Compensatory Damages**

If you find that the defendant did falsely imprison plaintiff, you must determine whether or not the false imprisonment was proximate cause of the injuries for which the plaintiff complains. Proximate cause is that which directly, naturally and probably was a substantial factor in bringing about the injuries and without which the injuries would not have occurred. Even if there was false imprisonment, if the false imprisonment was not a proximate cause of the injuries complained of, there cannot be any recovery for compensatory damages. If you find that the false imprisonment was a proximate cause of the plaintiff's injuries, he/she would be entitled to a verdict for compensatory damages in such an amount as would constitute reasonable compensation for loss of time, any physical injuries sustained by him/her and for mental and emotional stress resulting from the indignity to which he/she was subjected.

*[Discuss facts relating to proof of damages and how those damages are to be measured.]*

**B. Punitive Damages**

***NOTE TO JUDGE***

The trial judge should charge either Model Civil Charge 8.60 or 8.61 depending on when the cause of action was filed.

The plaintiff is entitled to reasonable compensation for physical injuries sustained by him/her and for humiliation as well as mental and emotional stress resulting from the indignity to which he/she was subjected. *Cone v. Central R.R. Co.*, 62 *N.J.L.* 99 (Sup. Ct. 1898); *Price v. Phillips*, 90 *N.J. Super.* 480 (App. Div. 1966).

In false imprisonment actions filed prior to the effective date of the Punitive Damages Act, *N.J.S.A. 2A:15-5.1 et seq.*, punitive damages may be awarded even though the jury did not award any compensatory damages. *Zalewski v. Gallagher*, 276 *N.J. Super.* 360, 369 (App. Div. 1997).