

## CALIFORNIA SECURITY CASE LAW LIBRARY

# False Imprisonment and False Arrest Claims Against Security

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False imprisonment is the unlawful, nonconsensual restraint of a person's freedom of movement, and a false arrest is a specific type of false imprisonment carried out under a claimed but invalid arrest authority. Claims against private security most often arise from detentions that lasted too long, relied on too little suspicion, or involved unnecessary force.

## What the claim requires

Under California law, false imprisonment generally requires nonconsensual, intentional confinement of a person, without lawful privilege, for an appreciable period of time, even if that period is short.

A false arrest claim is essentially a false imprisonment claim where the defendant's justification was a claimed arrest authority, such as the shopkeeper's privilege or a private-person arrest under Penal Code 837, that a court finds did not actually apply.

Because private security often relies on statutory privileges rather than the broader immunities available to police, the line between a lawful stop and a false imprisonment claim can turn on details like duration, manner, and the strength of the original suspicion.

## Where these claims typically originate

| Common trigger                           | What went wrong                                                             | How it plays out for security                                             |
|------------------------------------------|-----------------------------------------------------------------------------|---------------------------------------------------------------------------|
| Extended holds waiting for police        | Detention continued well past what investigation required                   | Duration becomes central evidence in the claim                            |
| Mistaken identity                        | Wrong person detained based on a description or camera footage              | Even a good-faith mistake can support liability if suspicion was too thin |
| Physical restraint of a compliant person | Handcuffs or physical holds used on someone not resisting                   | Unnecessary force during an otherwise lawful stop can be its own claim    |
| No underlying offense                    | Person detained for suspected theft or trespass with no clear predicate act | Weak documentation of the original observation undermines the defense     |

## Documentation that reduces exposure

- A timestamped incident report describing what was personally observed, written promptly after the event
- Records of exactly when police were called and when they arrived
- Any video or photo evidence preserved before it is overwritten
- A clear account of the words used and tone taken during the encounter

## Research and education only

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## Quick answers

### What is the difference between false imprisonment and false arrest?

False arrest is a type of false imprisonment where the confinement was based on a claimed but ultimately invalid arrest authority.

### Does a short detention still count as false imprisonment?

Yes, courts have recognized that even brief confinement can support a claim if it was nonconsensual and unlawful.

### Can a good-faith mistake still lead to liability?

It can, particularly for private security, since the statutory privileges available are narrower than those given to police officers.

### What reduces a company's exposure in these disputes?

Clear, contemporaneous documentation of the observed facts, duration, and manner of the detention is central to any defense.

## Primary sources — read the official text

|                                             |                                    |                                                                                                                                                                                                 |
|---------------------------------------------|------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Penal Code Section 236 (False Imprisonment) | California Legislative Information | <a href="https://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=PEN&amp;sectionNum=236">https://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=PEN&amp;sectionNum=236</a>     |
| Penal Code Section 837                      | California Legislative Information | <a href="https://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=PEN&amp;sectionNum=837">https://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=PEN&amp;sectionNum=837</a>     |
| Penal Code Section 490.5                    | California Legislative Information | <a href="https://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=PEN&amp;sectionNum=490.5">https://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=PEN&amp;sectionNum=490.5</a> |
| California Courts Self-Help                 | Judicial Council of California     | <a href="https://www.courts.ca.gov/selfhelp.htm">https://www.courts.ca.gov/selfhelp.htm</a>                                                                                                     |

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