



Home Office

# Alternate Offence for Retail Robbery

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## Alternate Offence for Retail Robbery

Robbery is an indictable-only offence and must ordinarily be referred to the CPS for a charging decision. However, where the circumstances demonstrate very low-level offending, the CPS may determine that the conduct is more appropriately dealt with under an alternative offence. In such cases, the CPS may return the matter to the police for an appropriate charging decision.

Police may also determine that a case does not meet the threshold for CPS referral. Where a decision is made not to refer a robbery allegation to the CPS, a Sergeant (or staff equivalent) must record the rationale clearly within the investigation.

Outcome 1A may be considered as a police charging decision in specific low-level robbery cases, provided that the evidential threshold is met, the alternative offence reflects the actual level of harm and culpability, and all relevant ethical and recording standards are adhered to.

Outcome 1A is defined as "Alternate Offence Charged", applied where the facts of the charged offence arise from the same material facts as the originally recorded crime.

Conditions for applying Outcome 1A:

- Robbery involves limited force or threats of force only.
- Low-value property stolen.
- Offender is not a prolific offender
- There is no weapon used, threatened or seen.
- The theft element must be charged (property crime).

Note:

- The key principle: Outcome 1A can be applied to the robbery if the theft is charged, even if the second element (assault/threats) is not charged because for example, the victim of the assault/threat does not wish to pursue it.
- Where a decision is made to charge the theft element alone, the rationale for not charging the assault or threat element must be clearly documented.
- Where the above conditions are not met but the evidential test is met, then the case should normally be referred to CPS.

It is for the investigation to determine whether or not a case is suitable for having an alternate charge of theft. Using THRIVE the investigators should consider whether for example, the value of the theft or the level of force used or the offending history of the suspect are such that either an Outcome 1A is appropriate or indeed whether the case should be referred to the CPS for a robbery charge decision.

**Example 1:** An identified male enters the store and begins selecting several items of clothing. He removes the tags from two shirts valued at £20, and places them in a tote bag he brought with him. A security guard monitoring CCTV notices this behaviour and approaches him on the shop floor. As the guard attempts to stop him near the exit, the offender shoves the guard with one hand to push past him. The guard stumbles but does not fall and the offender runs out of the store with the items.

Police charge the male with theft only as the security guard does not wish to pursue a complaint in respect of the low-level assault. Outcome 1A can be applied to the recorded crime of robbery as:

- Minimal force was used against the security guard
- The items stolen were low in value

**Example 2:** As above; however, the store elects not to proceed with the complaint. The security guard, however, chooses to pursue a complaint of assault, for which the suspect is charged.

As the store does not wish to proceed with the complaint, apply Outcome 16 to the crime of robbery, and record an additional crime of assault and Outcome 1 may be applied.