

## Status of Prosecutions Related to the Siege of the Capitol on January 6, 2021

- Charged Cases<sup>1</sup>
  - Approximately 1,583 have been federally charged with crimes associated with the attack of the U.S. Capitol.
  - Approximately 608 have been charged with assaulting resisting, or impeding law enforcement agents or officers or obstructing those officers during a civil disorder. Both of these crimes are felony offenses that involve obstructive acts directed at police.
  - Approximately 180 have been charged with using or carrying a dangerous weapon in the Capitol or on the grounds around the Capitol.
  - Approximately 153 have been charged with destruction of federal property or theft of federal property. Six of these defendants have been charged with both crimes.
  - The Office has generally declined to charge individuals whose only crimes were illegally entering the grounds around the U.S. Capitol on January 6, 2021, which has resulted in our Office declining approximately 400 cases presented to us by law enforcement for potential prosecution. Because of this exercise of prosecutorial discretion, the typical charged January 6 rioter committed multiple federal crimes on January 6, 2021, before engaging in the conduct that led to our Office filing charges.
  
- Resolved Cases
  - Approximately 1,100 defendants have had their cases fully adjudicated and received sentences for their criminal activity on January 6, including more than 700 defendants who have completed their sentence of incarceration or were never sentenced to a period of incarceration.
  - Virtually all the sentenced defendants still serving a period of incarceration are doing so at federal facilities with inmates who have a similar security risk—a risk that is determined primarily based on the crimes of which they were convicted and their criminal history. This determination is made by the U.S. Bureau of Prisons, following classification procedures consistently used in the federal criminal justice system.
  - Two defendants have been sentenced and remain at the D.C. Jail waiting to be transferred to a federal facility.

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<sup>1</sup> The numbers provided in this section represent defendants who have been charged with the listed crime for each bullet point, but can also include those charged with multiple crimes in multiple categories.

- Remaining Cases

- There are 170 defendants who have either pled guilty or been found guilty at trial by an independent trier of fact (i.e., a judge or a jury) and are awaiting sentencing.
- There are approximately 300 cases where a defendant has been charged and not yet pled guilty or been found guilty. Approximately 180 of these defendants (which represents nearly 60% of them) have been charged with assaulting, resisting, or impeding law enforcement agents or officers or obstructing those officers during a civil disorder, both of which are felony offenses.
- Only 8 defendants are detained pretrial in the D.C. Jail. Half of these defendants are detained because they allegedly committed new crimes prior to their arrest or were originally granted pretrial release by a judge, but violated their conditions of release, including by failing to show up for court proceedings as ordered or by allegedly committed new crimes while on release.
- The FBI continues to receive tips about individuals who committed crimes at the Capitol on January 6, 2021, and who have not yet been charged. This is consistent with FBI protocols on dealing with tips from citizens regarding a possible suspect involved in a federal crime. Our Office is evaluating close to 200 cases that have been presented to us by the FBI, including over 60 cases that involve assaulting resisting, or impeding law enforcement agents or officers or obstructing those officers during a civil disorder, both of which are felony offenses.