

## Case Summary Report

Agency: GCSO

Case Number: 1705240007

Date: 5/30/2017 08:28:30

Last Modified: 5/30/2017 08:26:54

### Incident Information

Date/Time Reported 05/24/2017 17:08	Date/Time Found 05/24/2017 17:08	Date/Time Found 05/24/2017 17:08	Officer (675) SECOR, SCOTT A
Incident Location 212 DISCOVERY DR, GALLATIN COUNTY, MT			Supervising Officer (662) GREYDANUS, ARLYN WAYNE
Case Status CLOSED/CLEARED			Disposition CLEARED BY ARREST

### Charges

<b>1</b>	Charge Type State	Description ASSAULT, SIMPLE W/NO LACERATIONS, BROKEN BONES, ETC.	Statute 45- 5-201	UCR 13B	<input type="checkbox"/> Alt <input checked="" type="checkbox"/> Com
Alcohol, Drugs or Computers Used <input type="checkbox"/> Alcohol <input type="checkbox"/> Drugs <input type="checkbox"/> Computers		Location Type GOVERNMENT/PUBLIC	Premises Entered	Forced Entry <input type="checkbox"/> Yes <input type="checkbox"/> No	Weapons 1. None 2. 3.
Entry	Exit	Criminal Activity NO GANG INVOLVEMENT OR UNKNOWT			
Bias Motivation		Bias Target	Bias Circumstances		Hate Group

### Victims

<b>1</b>	Seq #	Type INDIVIDUAL	Injuries Apparent Minor Injury	Residency Status Resident	Ethnicity Non-Hispanic	
Name (Last, First, M) JACOBS, BENJAMIN C				Race W	Sex M	DOB [REDACTED]
SSN				Victim of Crimes 1		
Address [REDACTED]					Home Phone [REDACTED]	
Employer Name/Address THE GUARDIAN /					Business Phone	

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## Offenders

Seq. #	Type	Name (Last, First, M)			
1	INDIVIDUAL	GIANFORTE, GREG RICHARD			
AKA		Race	Sex	DOB	Age
		W	M	[REDACTED]	56
Height	Weight	SSN			
6'02"	195 lbs				
Address				Home Phone	
[REDACTED]				[REDACTED]	
Employer Name/Address				Business Phone	
SELF /					
Scars, Marks, Tattoos or other distinguishing features					
Physical Characteristics					

### Suspect Details

## Witnesses

Seq. #	Name (Last, First, M)	Race	Sex	DOB	Age
1	LEVINSON, ALEXIS ROSE	W	F	[REDACTED]	28
Address				Home Phone	
[REDACTED]					
Employer Name/Address				Business Phone	
SELF /					
Witness Type		SSN			
EYE WITNESS ACTUALLY SAW THE EVENT		[REDACTED]			
Witness Notes					
Seq. #	Name (Last, First, M)	Race	Sex	DOB	Age
2	ACUNA, ALICIA ANNA	W	F	[REDACTED]	46
Address				Home Phone	
[REDACTED]					
Employer Name/Address				Business Phone	
FOX NEWS /					
Witness Type		SSN			
EYE WITNESS ACTUALLY SAW THE EVENT		[REDACTED]			
Witness Notes					

Also goes by last names Orozco and Boyd

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### Witnesses

<b>Seq. #</b>	<b>Name (Last, First, M)</b>	<b>Race</b>	<b>Sex</b>	<b>DOB</b>	<b>Age</b>
3	MANGAN, FAITH ANNE	W	F	[REDACTED]	45
<b>Address</b>				<b>Home Phone</b>	
[REDACTED]					
<b>Employer Name/Address</b>				<b>Business Phone</b>	
FOX NEWS /				[REDACTED]	
<b>Witness Type</b>			<b>SSN</b>		
EYE WITNESS ACTUALLY SAW THE EVENT					

**Witness Notes**

<b>Seq. #</b>	<b>Name (Last, First, M)</b>	<b>Race</b>	<b>Sex</b>	<b>DOB</b>	<b>Age</b>
4	RAILEY, KEITH ALAN	W	M	[REDACTED]	50
<b>Address</b>				<b>Home Phone</b>	
[REDACTED]					
<b>Employer Name/Address</b>				<b>Business Phone</b>	
FOX NEWS /					
<b>Witness Type</b>			<b>SSN</b>		
EYE WITNESS ACTUALLY SAW THE EVENT					

**Witness Notes**

<b>Seq. #</b>	<b>Name (Last, First, M)</b>	<b>Race</b>	<b>Sex</b>	<b>DOB</b>	<b>Age</b>
5	ELLE, JOSHUA	W	M	[REDACTED]	37
<b>Address</b>				<b>Home Phone</b>	
[REDACTED]					
<b>Employer Name/Address</b>				<b>Business Phone</b>	
/					
<b>Witness Type</b>			<b>SSN</b>		

**Witness Notes**

<b>Seq. #</b>	<b>Name (Last, First, M)</b>	<b>Race</b>	<b>Sex</b>	<b>DOB</b>	<b>Age</b>
6	SEEKINS-CROWE, KERRI	W	F	[REDACTED]	
<b>Address</b>				<b>Home Phone</b>	
[REDACTED]					
<b>Employer Name/Address</b>				<b>Business Phone</b>	
/					
<b>Witness Type</b>			<b>SSN</b>		

**Witness Notes**

### Other Persons Involved

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## Other Persons Involved

Name Code Involved, Other	Seq. # 1	Name (Last, First, M) HOWARD-WOLF, HOLLY ANN		
Race W	Sex F	DOB [REDACTED] 00:00:00	SSN	
Address [REDACTED]			Home Phone [REDACTED]	
Employer Name/Address /			Business Phone	

## Related Name Relationships

JACOBS, BENJAMIN C	is	OTHERWISE KNOWN	to	GIANFORTE, GREG RICHARD
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## Assisting Officers

(648) WAGNER, JAKE

(678) PALLACH, TOM

(679) ESPER, JIM

(628) PARKER, IAN MCCLAIN

(669) BOXMEYER, MATTHEW DAVID

(629) MAYLAND, DANIEL MARTIN

(662) GREYDANUS, ARLYN WAYNE

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## Notes/Narratives

Deputies were dispatched to a reported assault. Following an investigation and obtaining statements, a citation was issued for misdemeanor assault.

## Notes/Continuation

05.26.17 - Narrative added by records for public release.

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### Supplement Information

Supplement Date	Supplement Type	Supplement Officer
05/26/2017 14:05:03	OFFICER REPORT	(669) BOXMEYER, MATTHEW DAVID
Contact Name		Supervising Officer
		(624) KOPP, JEREMY K

### Supplement Notes

AGENCY CASE NUMBER: 1705240007

DATE: May 26, 2017

CHARGES: Misdemeanor Assault

VICTIM(S): Benjamin C. Jacobs (DOB [REDACTED])

OFFENDER(S): Greg R. Gianforte ([REDACTED])

OFFICER MAKING REPORT: Matthew D. Boxmeyer #669

On May 24, 2017 at approximately 1800 hours, Detective Captain Arlyn Greydanus contacted me. Det. Capt. Greydanus informed me of an assault that had occurred at a location within Gallatin County. Det. Capt. Greydanus requested that I respond to the office, to meet with him and start conducting witness interviews.

I arrived at the office and met with Det. Capt. Greydanus who informed me on the specifics of the call. Det. Capt. Greydanus stated he had people in the interview rooms and lobby and he asked me to start with the FOX News crew that were eye witnesses to the event.

I interviewed Alicia Anna Acuna (also goes by last name Orozco and Boyd) at 1848 hours. Alicia is a reporter for FOX News; Alicia scheduled an interview with Greg Gianforte, a candidate for the US House of Representatives. Alicia stated they were setting up the camera and equipment, so they could conduct the interview, and were engaged in small talk with Gianforte. Alicia stated while they were talking a "guy" (later identified as Ben Jacobs) came in with a recorder and put it in Gianforte's face. Alicia stated Jacobs asked Gianforte if he had any reactions to the CBO report on the Republican Healthcare Plan because it was just released. Alicia stated Gianforte responded to Jacobs, saying something to the effect of not right now. Alicia stated Jacobs just kept going. Alicia stated Jacobs said something about being from the Guardian, but stated she did not get his name.

Alicia stated Jacobs had glasses, dark hair, facial hair, dark pants, and dark coat on. Alicia stated Jacobs kept asking him questions and was being persistent. Alicia stated Gianforte told Jacobs to go check with Shane who is a member of Gianfortes campaign. Alicia stated she was not sure if Jacobs asked again or not but around that time Gianforte grabbed Jacobs.

Alicia stated Gianforte grabbed Jacobs it seemed by both sides of his neck or his head. Alicia stated Gianforte moved Jacobs and "slammed him on the ground and jumped on top of him". Alicia stated Gianforte was not "straddling" Jacobs but "kind of jumped on top of him and started punching him". Alicia stated Gianforte stated, "He was sick and tired of this".

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Alicia stated Jacobs "scrambled to his knees" and seemed in shock and stated, "You broke my glasses". Alicia stated Jacobs asked them for their names and then stated he wanted the cops called. Alicia stated Gianforte apologized to them (FOX News crew).

Alicia stated the only people in the room at the time of the assault were Gianforte, Jacobs, and her crew. Alicia stated the door was open and people could have seen inside the room.

I asked Alicia to go into further detail about when Gianforte grabbed Jacobs. Alicia stated it was up by the neck and by was not sure if he was grabbing him by the clothes or the body. Alicia stated they thought they were being "punked" for a minute but they realized it was real "rage happening". I asked if Alicia remembered hearing anything during the assault, Alicia only remembered hearing Gianforte say "I'm sick and tired of this". Alicia stated it seemed as though Jacobs was on his side on the ground when Gianforte was punching him. Alicia stated Gianforte punched at Jacobs 2-3 times until Jacobs scrambled to his knees. Alicia stated Jacobs looked "Roughed up" and was red but so was Gianforte.

Alicia stated she told everyone she needed a minute alone. Alicia stated they contacted their bosses to tell them what had happened. Alicia stated they called their Bureau Chief, Nancy Harmeyer and Assistant Bureau Chief, Don Fair. Alicia stated she has covered many campaigns and been around many aggressive reporters. Alicia stated Jacobs was doing his job and was just obnoxious but not physically aggressive. Alicia stated she did not see Jacobs ever touch Gianforte with his hands or the recorder. Alicia stated it was so "out of nowhere" and it did not seem like Gianforte was defending himself.

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I then conducted an interview with Faith Mangan at 1916 hours, who works for FOX News as a field producer. Faith stated they were at Gianfortes Campaign Headquarters to conduct an interview with him. Faith stated they were talking with Gianforte about local restaurants and Bozeman. Faith stated she was against the windows in the room and was farthest away from Gianforte and was not fully engaged. Faith stated Jacobs entered into the room and started asking Gianforte questions. Faith thought Jacobs was a staffer and did not know he was a reporter at the time, as she was not fully engaged in the conversation.

Faith heard Gianfortes voice noticeably go up and he told Jacobs something like "talk to Shane". Faith stated the "exchange got more intense". Faith stated she saw movement and they went down on the ground. Faith stated Gianforte was on top of Jacobs and she saw movement of his arms, which made her believe Gianforte was punching Jacobs. Faith stated they went down in the middle of their equipment and Faith was worried they would knock over the camera or that Alicia would be knocked down.

Faith stated Jacobs started complaining that Gianforte broke his glasses and stated he wanted police called and wanted their names. Faith stated they asked to have the room to themselves to settle down and to notify their bosses about the incident. Faith stated Gianforte left and they did not see his again. Faith stated they were under the impression they were the only reporters that were going to be there.

Faith stated she has covered two Presidential elections and covered a lot of political stuff. Faith stated she had never seen anything so shocking like this.

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I interviewed Keith Railey who is the FOX News photographer at approximately 1940 hours. Keith stated he was setting up for the interview and was making trips back and forth to the car for other equipment. Keith stated he did not know who Gianforte was or what he looked like. Keith stated he returned from a trip to the car and was setting up when a person (Gianforte) walked into the room. Keith stated they were engaged in small talk before the interview was supposed to start.

Keith stated another person (Jacobs) came in the room and started asking Gianforte questions and put a microphone in his chest. Keith stated he still did not know he was talking with Gianforte but figured Jacobs was a reporter at that time. Keith stated Gianforte started screaming at Jacobs because he wanted Jacobs to go away. Keith stated Gianforte "grabbed him around the neck and body slammed him down to the ground". Keith stated approximately two punches were thrown but he could not see where they were landing. Keith stated he had a table between him and the fight and was trying to get around it when they released from each other.

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Keith stated it all happened very quickly and he stated he was within three feet of Gianforte and Jacobs when they went to the ground. Keith stated Jacobs asked Gianforte maybe two questions before the altercation. Keith stated Jacobs stated Gianforte broke his glasses and said something about the police being called. Keith stated Gianforte left and that was the last time he saw them.

I asked Keith how many interviews he has done and what his thoughts were about the incident. Keith stated he has been doing this for 25-30 years. Keith stated he has never seen anything like this before. Keith stated he has seen violence before but everything was mellow and went to 10 in the blink of an eye. I asked Keith if Jacobs was being an aggressive reporter and Keith stated he was not really listening to the questions being asked. I asked Keith if the altercation was mutual or one sided. Keith stated it was one sided with Gianforte being the aggressor.

I then interviewed a Buzz Feed News reporter, Alexis Levinson. Alexis stated she works out of DC as a reporter covering the US House of Representatives and was in Montana to cover the upcoming Special Election for our vacant US House seat. Alexis explained she had been all over the state the last few days covering speaking events in different cities for the Gianforte Campaign.

Alexis stated she had been in touch with Shane Scanlon and Brock Laurence regarding the possibility of getting an interview with Gianforte. Alexis stated the campaign told her there might be time for an interview; Alexis explained a colleague of hers wrote a story that did not make the Gianforte campaign happy. Alexis stated Anne Helen Petersen, a culture writer, wrote a story about Montana politics and this race.

Alexis stated she and Jacobs asked the campaign for time tonight to ask Gianforte questions. Alexis stated she knows Jacobs from covering events together. Alexis stated at the noon event in Helena a reporter walked up to Gianforte and put a recorder in his face and started asking him questions. Alexis stated Gianforte very clearly did not want to continue interviews with reporters. Alexis stated that is when Jacobs and she asked Shane if they could get some time later that day. Alexis stated Shane told Jacobs "you're just going to tweet whatever you want anyways".

Alexis stated she picked Jacobs up and brought him with her to the campaign headquarters. Alexis stated she could see a camera crew set up in the side room. Alexis stated she received a text from Shane asking if she was there, Alexis replied that she was. Alexis stated Shane came up to her after Gianforte arrived and told her they were going to be able to give her a few minutes for an interview after he finished with the FOX News crew. Alexis stated she started to write down some of the questions that she wanted to ask Gianforte.

Alexis stated Jacobs flagged down Shane and asked him if he could get some time with Gianforte as well. Alexis stated Shane told Jacobs no probably not or something to that effect and intimated that there was some past issue. Alexis stated Gianforte went into the room with the FOX News crew and all of a sudden, there was a large very audible crash. Alexis stated the door was partly closed and she did not see what happened. Alexis stated she heard a lot of yelling and she thought it sounded like Gianforte. Alexis stated all she could see was feet flying in the air. Alexis stated Gianforte was saying "get the hell out of here, are you with the Guardian the other reporters did the same damn thing". Alexis stated Jacobs came out to where she was and held up his glasses which were broken and stated "he just body slammed me".

Alexis stated Shane came out and told Jacobs he needed to leave. Alexis stated Gianforte and Shane walked into another room and closed the door. Alexis stayed to see if she was going to be able to get a comment from Gianforte. Alexis stated a bunch of people started coming outside and she figured police had arrived.

Det. Capt. Greydanus informed me that two people had arrived from the Gianforte campaign headquarters and were saying Alexis had come back into the building after the incident and was passing herself off as if she was taking pictures for our office. I asked Alexis about passing herself off as working for our office. Alexis stated she did not record or take pictures after going back in the building. Alexis stated she went in to take some pictures so she could better explain the incident to Deputies on scene. Alexis showed me her phone and I looked at recordings, video, and pictures. Alexis had one recording, which she emailed me that she started right after the incident in case she was able to get a statement from someone regarding the incident. Alexis stated she had been originally invited as a reporter. Alexis informed me she knew Montana was a two party consent state.

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I interviewed Holly Howard-Wolf next who is a volunteer for the Gianforte campaign. Holly did not see the altercation between Gianforte and Jacobs but was one of the staffers who had issues with Alexis. Holly stated she was concerned about Alexis entering the office after the incident, Holly stated Alexis had her phone and was panning it around the room. Holly stated Alexis told them she had an interview with Gianforte and they questioned her on it. Holly stated Alexis told them she was there to take pictures for the Sheriff's Office investigation. Holly stated she told Alexis no and asked her to leave. Holly stated Alexis was getting mad at her and as they were walking out, she saw Alexis with her finger on her phone. Holly stated Alexis was recording her and so she confronted her with that fact. Holly stated Alexis told her she was not recording her. Holly asked Alexis for her card and she gave it to her. Holly believes Alexis misrepresented herself as working for us.

This concludes my involvement in the case.

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Detective Matthew Boxmeyer #669  
Gallatin County Sheriff's Office

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### Supplement Information

Supplement Date	Supplement Type	Supplement Officer
05/25/2017 13:59:52	OFFICER REPORT	(629) MAYLAND, DANIEL MARTIN
Contact Name		Supervising Officer
		(624) KOPP, JEREMY K

### Supplement Notes

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#### REPORT OF INVESTIGATION

INCIDENT #: 1705240007

DATE: May 24, 2017

CLASSIFICATION: Misdemeanor Assault

LOCATION: 212 Discovery Dr.

REPORTING OFFICER: Detective Dan Mayland 629

ASSISTING OFFICER(S): Det. Jim Esper, Det. Matt Boxmeyer, Det. Tom Pallach

On May 24, 2017 at approximately 1800 hours, I was contacted by Detective Captain Arlyn Greydanus. Det. Capt. Greydanus advised me of a reported assault that was received by Gallatin County Dispatch. Det. Capt. Greydanus requested I respond to Bozeman Health Hospital to meet with the reported victim. Det. Capt. Greydanus informed me Sgt. Ian Parker was at BHH with the victim and requested I bring the victim to the Law and Justice Center to provide a statement once medically cleared.

At approximately 1838 hours, I arrived at BHH and met with Sgt. Parker and the victim identified as Benjamin C. Jacobs DOB [REDACTED]. Ben informed me he resided at [REDACTED] with a cellular telephone number of [REDACTED] and work cell [REDACTED]. Ben was currently using a cellular telephone when I entered into the hospital room. Ben informed me that his work cellular telephone that was on the counter contained an audio file of the incident in question. I asked Ben if he communicated with anyone regarding the incident on the cellular telephone he had in hand. Ben confirmed he was communicating with people on social media with the phone in hand. Ben informed me he had posted on Twitter that he had been "body slammed" by Greg Gianforte and he indicated he had also shared the audio recording of the event on Twitter. I advised Ben there was evidence of the incident on both his cellular telephones and I consequently seized them both.

I then initiated my digital audio recorder and asked Ben for permission to receive his medical records in relation to the incident from Bozeman Health Hospital. Ben agreed and signed a medical release. I advised Ben I would not take any further statements from him until he was released from BHH.

Ben was cleared from BHH and provided a ride to the Law and Justice Center by Sgt. Parker. He was taken to the Victim Services Office to await providing his statement. During this time, I stayed with Ben. I observed that Ben had a 1 inch abrasion on his right cheek with some redness and swelling near the end of his right eye brow. I observed that Ben had some redness on his forehead above his right eyebrow. I also observed a linear abrasion on the top of Ben's forehead on the left side of his face near his hairline. I retrieved a digital camera and photographed his person and



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injuries. Ben although shaken up was in good spirits about the incident. I observed no serious bodily injury and he communicated with me clearly.

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On May 24, 2017 at approximately 2042 hours, Detective James Esper and I interviewed Benjamin Jacobs. The following is a summary of the interview I performed. This report is not intended to be a verbatim account and does not memorialize all statements made during the interview. Communications of the interview were audio and or video recorded. The recordings document the actual words spoken. See transcripts for actual words spoken.

Ben informed me he was a reporter for The Guardian publication. Ben informed me he arrived in Bozeman on Saturday May 20, 2017 to cover the Congressional race of Greg Gianforte and Rob Quist. Ben reported he had attended both Quist and Gianforte events over the last several days. Ben reported he went to a Gianforte event in Great Falls on Tuesday. Ben stated he asked Gianforte spokesperson Shane Scanlon for an opportunity to interview Gianforte but was refused.

Ben reports On Wednesday around 1600 hours he and fellow reporter Alexis Levinson from Buzz Feed traveled to Gianforte's public event located at Gianforte's headquarters. This address was later confirmed to be 212 Discovery Drive in Bozeman Montana. This address lies wholly within Gallatin County Montana.

Ben reported he walked around for a bit mingling with other people and asking questions. Ben reports he again approached Shane for an interview but was declined. Ben reports he was in a room with approximately six people when he approached Gianforte. Ben states Gianforte was standing in the room visiting with other reporters. Ben reported a local news crew was present and it appeared they were setting up to interview Gianforte but had not begun. Ben reports he observed an opportunity to ask Gianforte about the Affordable Health Care Act. Specifically Ben reported he asked Gianforte about the newly released CBO score. Ben reports he approached Gianforte with his recorder (cellular telephone) held out to capture Gianforte's response. Ben reports Gianforte denied to answer the question and Ben asked him again if he would comment. Ben reports Gianforte grabbed his cellular telephone and attempted to take it away from him. Ben informed me then next thing he knows is that he is being "body slammed" into the concrete floor with Gianforte on top of him screaming at him. Ben reports his glasses were broke during the altercation and his left elbow was in severe pain. Ben indicated he did not receive any broken bones as a result of the altercation.

Ben informed me the incident ceased when Gianforte got up and off him. I asked Ben if Gianforte struck him or hit him in any other way. Ben reported he was not sure. He stated it happened so quickly that he was in a state of shock. Ben stated he believed it was possible that Gianforte had punched him or struck him but he was not entirely sure. I asked Ben how that incident made him feel. He did not directly answer the question but indicated he was embarrassed that this had happened. He was visibly trembling as he related to Det. Esper and me the details of the incident.

Ben then provided us with the audio of the incident. The audio is approximately one minute and fifty-two seconds. Refer to audio transcription of the audio file for the complete spoken words. The audio file corroborated Ben's account of the incident. I observed Ben ask Gianforte about the CBO score. Gianforte clearly becomes upset and a struggle is heard. Gianforte then begins yelling aggressively at Ben. Ben is clearly heard saying he has been body slammed and his glasses are broken. Gianforte tells Ben "Get the hell out of here". Ben replies asking for witnesses names and says he would like to call the police.

Ben reported he Tweeted the incident at 5:06 P.M. (See Figure 1)

Figure 1

Ben reported he called 911 to report the incident immediately afterwards. Ben showed me his cellular telephone and I observed the call to 911 was placed at 5:07 P.M. (See Figure 2)

Figure 2

Ben reports the emergency medical providers and police arrived. He stated he was transported to the hospital by ambulance where he received medical care.

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Det. Esper asked Ben if he had been asked to leave at any time prior to the incident with Gianforte. Ben indicated he had not. Det. Esper asked Ben if he at any time touched or grabbed Gianforte. Ben indicated he did not. Det. Esper asked Ben about the proximity of his cellular telephone to Gianforte. Ben indicated he had held out the phone as normal reporters do when trying to get a statement. Det. Esper asked Ben if his phone was anywhere near Gianforte's face. Ben reported it was not.

I asked Ben if he wanted to pursue charges against Gianforte. Ben indicated he was inclined to pursue charges. He cited that he had read the "statement" Gianforte had Tweeted and was upset with the "lies" it portrayed. Ben indicated he wanted to take some time to formulate his decision. He was escorted into a non-recorded interview room where he was allotted privacy to make his decision. Approximately 15 minutes later Ben informed myself and Detective Esper he wanted to continue with charges against Gianforte for assault.

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At approximately 2144 hours, we concluded our interview with Ben. I provided Ben with a Victim's Rights packet and explained it to him. I then provided him a ride to his motel.

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On May 25, 2017 at approximately 1400 hours, I prepared a Request for Records for Bozeman Health Hospital and faxed them Ben's Medical Consent Release form.

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This concludes my involvement in this case.

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Detective Dan Mayland 629

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Supplement Date	Supplement Type	Supplement Officer
05/30/2017 08:21:25	OFFICER REPORT	(678) PALLACH, TOM
Contact Name		Supervising Officer
		(624) KOPP, JEREMY K

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## Supplement Notes

### REPORT OF INVESTIGATION

CASE: 1705240007

DATE:5/26/17

REPORTING OFFICER: Pallach

DETAILS OF INVESTIGATION:

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On Wednesday, May 24, 2017 at approximately 1758 hours, I received a phone call from Detective Captain Arlyn Graydanus. Captain Graydanus advised me Sergeant Scott Secor had been dispatched to an assault involving House of Representative candidate Greg Gianforte and a reporter. Captain Graydanus told me there were several witnesses and they were being directed to the Law and Justice Center to provide statements. Captain Greydanus told me to respond to the Law and Justice Center to assist with interviews.

Upon my arrival at the Law and Justice Center I met with Detective James Esper and Captain Greydanus. I also heard over the radio that Josh Elle was in the lobby to speak with Sergeant Secor. I inquired with Sgt. Secor if Elle was involved in the Gianforte case. Sergeant Secor said he was.

Deputy Esper and I conducted a recorded interview with Elle. The following is a brief summary of the highlights of the interview. For further detail refer to the statement its self: Elle was Gianforte's driver and was in Helena earlier in the day at a campaign rally. Elle indicated Gianforte had problems with a reporter from the "Guardian" on four different occasions but didn't know if this was the same reporter. Elle explained Gianforte felt the "Guardian's" reporting wasn't very accurate and told them they weren't going to give them an interview while in Helena. Elle said he believed the reporter was told he would get an interview while in Bozeman.

Elle went onto tell us when they arrived in Bozeman he drove Gianforte, Kerri Seekins-Crowe (Gianforte's scheduler), and Shane Scanlin (Communications Director) from the airport to the headquarters as 212 Discovery Lane. Elle told us when they got to headquarters the Guardian reporter he referred to from Helena was there. Elle told us while Gianforte was preparing to do an interview with two reporters from Fox news he was standing in an adjacent room. Elle said he heard a commotion and heard Gianforte say in an elevated voice, "You're doing this again". Elle looked through the doorway and observed both the reporter and Gianforte on the ground. Elle said it appeared as though Gianforte was striking the reporter with closed fists. Elle demonstrated this as he said it. Elle also said he heard the reporter say something to the effect of you broke my glasses. Elle was asked how Gianforte and the reporter ended up on the ground. Elle said he didn't see that part. Elle also said at some point during the incident the door separating him from the room Gianforte was in was closed. Elle was asked who shut the door and he said he didn't know. Elle told us he observed the reporter leaving the headquarters building and noticed two purple marks on the right side of his face. Elle also said he observed Gianforte and Thielman driving away as law enforcement was arriving. Elle went on to say Gianforte and Thielman returned and spoke with law enforcement.

Deputy Esper and I conducted an interview with Kerri Lin Seekins-Crowe. Seekins-Crowe is Gianforte's scheduler. The following is a brief

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summary of the interview. Seekins-Crowe told us she met Gianforte, Elle, and Shane Scanlin at the Bozeman airport and rode with them to the campaign office at 212 Discovery, Bozeman, MT. I asked Seekins-Crowe what the conversation was in the vehicle as they were traveling from the airport to campaign headquarters. Seekins-Crowe said they were talking about the trip, the day, and any interviews that were going to happen. I asked Seekins-Crowe if there was talk about who was or who wasn't getting an interview. Seekins-Crowe said they talked about having multiple problems with both the Guardian and BuzzFeed reporters in the past because they have been "duplicitous and very aggressive". I asked Seekins-Crowe to describe aggressive. Seekins-Crowe indicated the reporters would make their way into interviews after they told them to be patient. Seekins-Crowe said the "General Gist" of it was that they have asked these reporters to wait their turn and that they have not been honest in some of the things they have done. Seekins-Crowe also said they have been aggressive in coming in and asking questions and demanding answers. Seekins Crowe went on to explain that she, Gianforte, Scanlin and Elle talked about setting up interviews with Fox. I asked Seekins-Crowe what she was doing at the time of the incident. Seekins-Crowe said she was standing outside the partially opened doorway where the incident occurred. I asked Seekins-Crowe if something happened that made her realize there was an incident. Seekins-Crowe said she heard Gianforte's raised voice which caught her off guard because it was out of character for him. I asked Seekins-Crowe who Gianforte was directing his conversation toward. Seekins-Crowe said she knew now that it was the reporter. Seekins-Crowe said by the time she saw anything they were already on the ground and Gianforte was getting up. Seekins-Crowe further related she shut the door because the incident was loud and to contain the situation. See attached statement.

At approximately 2051hours I conducted an interview with Karen Marshall who was at a barbeque for campaign volunteers at 212 Discovery. Marshall indicated she saw the reporters from the Guardian and BuzzFeed, but did not see the incident. This interview ended my involvement in this case.

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## Supplement Information

Supplement Date	Supplement Type	Supplement Officer
05/25/2017 17:32:12	OFFICER REPORT	(675) SECOR, SCOTT A
Contact Name		Supervising Officer
		(648) WAGNER, JAKE

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## Supplement Notes

On May 25, 2017, at approximately 1708 hours, I, Sgt. Scott Secor, was dispatched, along with Sgt. Ian Parker, to 212 Discovery Drive to investigate an assault. The reporting party, Ben Jacobs, told dispatch he had been assaulted by Greg Gianforte at Gianforte's campaign headquarters. Jacobs indicated he would like medical attention and told dispatch he was "safe."

I activated my digital pocket recorder and arrived on scene at approximately 1720 hours. A male flagged me down. I asked the male if he was Ben (Jacobs). He said "yeah." I observed Jacobs hands to be trembling; he spoke quickly, and was breathing rapidly as if he was short of breath. I asked what happened. Jacobs responded by saying, "this is the weirdest day..." Jacobs then further relayed the events to me. The following is a summary of his statement. Jacobs said, "I went up to ask him (Gianforte) a question" regarding the CBO Score and Health Care Bill. Jacobs said Gianforte told him to talk to his communications person. Jacobs retort was that Gianforte had been "saying that." In response Gianforte "body slammed" Jacobs, resulting in Jacobs' glasses being broken and pain to Jacobs elbow. I asked if Jacobs needed medical attention. Jacobs said his elbow was "hurting like the dickens so I just want to make sure." I called medical personnel into the scene as they stage until law enforcement clears them to enter.

Jacobs said he had an audio recording of the incident. I listened to the audio. In the audio, I heard a male voice ask a question regarding the Health Care Bill. The male asking the questions sounded like Jacobs. Another male is heard responding to question by saying they could talk about that later. Jacobs persisted and the male said, "speak to Shane." I then heard banging and crashing as if the recording device was being jostled around. The male yelled "I'm sick and tired of you guys!" and then "get the hell out of here!" several times. I could hear Jacobs say "you just body slammed me and broke my glasses." The male voice, later identified as Gianforte, was the only aggressive sounding voice in the recording. It was difficult to hear the entire recording due to excessive wind noise. Parker arrived and brought medical personnel over to Jacobs for an evaluation. I asked Jacobs for identification. Jacobs showed me his press lanyard and provided his Maryland driver's license to me.

At this time, another male approached me and asked if I would like to speak to Gianforte. The male identified himself as Jason Tillman (sp?). Tillman said he was not a witness to the incident. Another male standing nearby, later identified as Joshua Elle, indicated he was a witness. Elle was hesitant to speak to me. Elle motioned toward Jacobs and said, "that guy just jumped in there and tried to get in his (Gianforte) face...ask him questions...there was a little scuffle." I asked Elle to tell me about the scuffle. Elle remarked "I heard...I turned around and just saw them going toward the ground." Due to Elle's hesitancy I decided I would speak to Elle in a more private setting at a later time. Elle provided his Idaho driver's license to me.

Tillman led me to a parked vehicle where Greg Gianforte was sitting in the front passenger seat. I recognized Gianforte from campaign ads and he later provided a Montana driver's license. Gianforte said "hello officer." Gianforte's voice sounded like the voice from the recording. I introduced myself and asked him to tell me what happened. The following is a summary of his statement. Gianforte said he was preparing for an interview with Fox News in a private room. He said a man came into the room "stuck a microphone in my face" and began asking "obnoxious questions." Gianforte explained that he has had a history of problems with journalists from The Guardian and that The Guardian journalists have interrupted meetings before. Gianforte said he "tried to explain to him that I was in the middle of the interview." Gianforte said Jacobs persisted with questions even though Gianforte had asked him to leave. Gianforte said Jacobs "stuck the microphone in my face again." He then went on to explain "I



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probably shouldn't do it but I reached out for his phone...he grabbed my wrist, he spun, and we ended up on the floor...so he pulled me down on top of him." I asked who was present during the altercation. Gianforte said, "none of our staff was there." Gianforte said the "team from...uh...Fox News was there." I asked if Elle was present. Gianforte replied, "he was not in the room." I asked if there was a front desk security. Gianforte said they don't have security and that they have allowed Jacobs to attend events in the past. Gianforte said the "liberal media...is trying to make a story." I asked if there was video coverage in the room. Gianforte said there may have been cameras in the room but he didn't think any of them were "rolling." I wanted to summarize, with Gianforte, his account of events to make sure I understood him correctly. In summary, Jacobs came into the building, went into a private room in the back where Gianforte was setting up for an interview with the Fox News team when Jacobs interrupted and started "interrogating in a very intensive way." Gianforte tried to explain that he wouldn't do an interview with Jacobs because they (The Guardian) were so "obnoxious" a few weeks ago. Jacobs stuck the cell phone in his face again, Gianforte grabbed at the phone, Jacobs grabbed Gianforte's wrist, spun, and they both fell to the ground. When I asked what happened when they were on the ground, Gianforte remarked that it "was...a couple seconds." He said he heard Jacobs say his glasses were broken. I asked Gianforte if he had any injuries. Gianforte said, "I do not." Parker came over to where I was speaking with Gianforte and inquired whether he was in need of medical attention. Gianforte made the statement "when he grabbed my arm...kind of...grabbed my wrist and pulled me into him...we spun, hit the table..." I asked Parker to facilitate Gianforte receiving medical attention. I indicated to Tillman and Gianforte that I would like to speak to the Fox News team because they were independent witnesses. Tillman said he would take me to them. I told Gianforte "I'll be with you in a moment" and left with his Montana driver's license in my possession.

Tillman led me inside to speak with the Fox News team. I met with Alicia Acuna, Faith Mangan, and Keith Railey. We spoke in a private room upstairs. The three witnesses had similar accounts of the event. The following is a summary of their statements. They said they were setting up for an interview and making small talk about restaurants. Jacobs walked up with a recording device, held it near Gianforte's chest, and asked Gianforte if he had a response to the CBO report. Gianforte indicated he didn't want to answer Jacobs questions and for him to talk to Shane. Jacobs said he wanted to get a quick response. Gianforte again said no and to talk to Shane. Jacobs persisted but "wasn't really in his face" said Acuna. Gianforte then grabbed Jacobs around the upper chest/neck area and "took him and slammed him to the ground" recalled Acuna. Acuna said Gianforte then "jumped on top of him and started punching him" while saying "I'm sick and tired of this." Railey said Gianforte threw at least two punches. They said Jacobs got up and stated to Gianforte "you broke my glasses." All Fox News team members said they had not met Jacobs or Gianforte prior to the incident. Railey said he didn't even know Gianforte was the candidate when the interaction with Jacobs occurred. Mangan didn't hear much of the interaction, due to a hearing impairment, but did observe it. I asked if it was their opinion that Gianforte's actions were excessive compared to Jacob's actions. Acuna and Railey said "absolutely." Mangan said "yes...I've never seen anything in my years of covering politics like that...that blew my mind." All three said they would be willing to testify about what they observed. I asked if any recording was made of the incident. They indicated there was no recording.

I walked outside and spoke with Elle. Elle stated, "I was right outside the room." Elle said he didn't notice Jacobs go in the room but became aware of his presence when he turned around and saw Jacobs on the ground. Elle said, "I saw Greg hit the guy...and say you did this before or something like that." I asked if Gianforte used closed fists. Elle said "yeah." I asked where Gianforte punched Jacobs. Elle said it looked "like it might be on his (Jacobs) head." I asked how many times? Elle replied, "I think I saw only two." Elle remarked that Gianforte had just left with his lawyer and campaign manager before I had completed my interview with the Fox News Team. I looked around and confirmed that Gianforte had left.

I was not approached by anyone else at the scene indicating they had firsthand knowledge of the incident between Gianforte and Jacobs.

I contacted Patrol Captain Jake Wagner and advised him I believed there was probable cause to charge Gianforte with assault. We discussed requesting assistance from the Detective Division due to the number of statements that needed to be taken from witnesses and because of the significant public interest this case would garner. I contacted Detective Captain Arlyn Greydanus and requested assistance. Greydanus requested that I escort the Fox News Team to the Law and Justice Center for follow up interviews. The Detective Division conducted all further interviews.

Parker and Detective Dan Mayland responded to the Bozeman Deaconess Health Services Emergency Room because Jacobs had been transported there for evaluation.

At the conclusion of all interviews the Detective Division and I agreed that probable cause existed to issue Greg Gianforte a citation for



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misdemeanor assault. Evidence indicated Gianforte purposely and knowingly caused bodily injury to Jacobs. Citation C06A61781 was issued to Gianforte's attorney.

I have no further involvement in this case.

Sgt. Scott Secor #675

Gallatin County Sheriff's Office

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