

DATE: May 24, 2017
REPORTED BY: Det. James Esper, GCSO #679
REFER CASE #: 170524-0007
VICTIM(S): Benjamin Jacobs (DOB [REDACTED])
OFFENSE: Assault (M) 45-5-201, MCA

SUMMARY:

On May 24, 2017, Congressional candidate Greg Gianforte was reported to have assaulted a reporter during a press event at Gianforte's campaign headquarters in Gallatin County. After interviews with several witnesses and the victim, a citation for Assault (M) was issued to Gianforte.

INVESTIGATION:

May 24, 2017 – At approximately 6:00pm, I was contacted by GCSO Detective Capt. Arlyn Greydanus who requested I respond to the Law and Justice Center to assist with the investigation of a reported assault that had recently occurred. According to Capt. Greydanus, Congressional candidate Greg Gianforte was involved in a disturbance at his campaign headquarters in Bozeman and had reportedly assaulted a member of the press. The incident was reportedly witnessed by several people.

At the Law and Justice Center I met with Capt. Greydanus and Detectives Tom Pallach and Matt Boxmeyer. An assessment was made of the pertinent interviews that needed to be completed. Det. Pallach and I were assigned to interview Joshua Elle, a witness to the incident who was present at the Law and Justice Center.

Det. Pallach and I conducted an audio/video recorded interview with Joshua Elle (DOB [REDACTED], [REDACTED]). During the interview Elle reported the following:

- Elle is a member of the Gianforte campaign, currently serving as Greg Gianforte's driver, a position Elle has held for approximately three weeks.
- Elle is personally familiar with Gianforte as well as other members of Gianforte's immediate staff, to include Communications Director, Shane Scanlan and Scheduler, Kerri Crow.
- Elle reported Communications Director, Shane Scanlan, had been in touch with Jacobs at some point and Elle believed there was a tentative agreement that Jacobs would be granted some time with Gianforte at some point provided Jacobs did not "...get in Greg's face."

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- Elle initially believed Jacobs had “gotten into Greg’s face” at other press events, but later stated it may not have been Jacobs. Elle was confident, however, that on at least three other occasions reporters from the Guardian had approached Gianforte in a brash or aggressive manner.
- Elle stated the Gianforte campaign has generally grown to perceive Guardian journalists and their respective coverage to be biased and unfavorable.
- Elle recalled seeing Jacobs at a Gianforte event in Helena earlier that day. Elle reported making casual conversation with Jacobs at that time with no notable issues.
- Elle was aware that Jacobs was not afforded any time with Gianforte at the Helena event and believed there may have been a loose agreement that if he came to the Bozeman event he may get an opportunity, time permitting.
- Elle reported that on the ride from the Bozeman airport to the Bozeman event at 212 Discovery Dr., Elle was driving with Gianforte in the passenger seat and Shane Scanlan and Kerri Crow as rear passengers.
- Elle reported that during the drive to the Bozeman event Gianforte and Scanlan spoke of the reporter from the Guardian and had agreed that they would not afford him any time at the Bozeman event, based primarily on negative coverage Gianforte had received from Guardian journalists in the past.
- At the Bozeman event Elle stated he observed Jacobs and recognized him from earlier in the day.
- During the Bozeman event, Elle stated he was within 10 feet of Gianforte as Gianforte prepared to speak to a Fox News crew. Elle did not see or hear Jacobs do anything that drew attention until hearing a scuffle and seeing “bodies moving toward the floor.”
- Elle indicated he then saw Gianforte and Jacobs on the ground and that of the two, Gianforte appeared to be the aggressor. Elle observed Gianforte striking out with his arms as if punching Jacobs and could hear Gianforte yelling in an angry tone.
- Elle assumed that Jacobs had instigated the scuffle by somehow acting obnoxiously, but admitted he did not observe Jacobs do anything to provoke a confrontation and admitted he “...may be biased in that regard.”
- Elle stated as the scuffle developed the door to the room closed blocking Elle from any further view.
- Elle observed Jacobs leave the room a short time later and overheard him say he had been “body slammed”. Elle further observed Jacobs to have his glasses broken and have red/purple marks consistent with being hit on the right side of his head. Elle stated that Jacobs did not appear to be suffering from any serious injury.
- Elle stated that after the scuffle he, Gianforte and Scanlan prepared to leave but stopped when they observed marked patrol vehicles arriving on scene. Gianforte and Scanlan apparently left the area shortly afterwards while Elle was directed to the Law and Justice Center to provide a witness interview.

[Refer to audio/video statement of J. Elle for further detail.]

Det. Pallach and I then conducted an audio/video recorded interview with Kerri Lin Crowe ([REDACTED]), who was present at the Law and Justice Center. During the interview Crow reported the following;

- Crowe is the scheduler for the Gianforte campaign and works primarily from her home in Billings, MT.

- Crowe met Gianforte, Elle and Scanlan at the Bozeman airport and drove with them to the campaign office at 212 Discovery Dr. for the Bozeman event.
- Crowe stated she was in the rear of the vehicle with Scanlan while Elle and Gianforte were in the front.
- Crowe reported that while on the way to the Bozeman event, a conversation took place within the vehicle about problems the campaign has had with journalists from the Guardian and BuzzFeed being “duplicious” and “aggressive”.
- Crowe stated it was obvious to her from that conversation that the journalists from the Guardian and BuzzFeed would not be afforded interviews at the Bozeman event.
- Crowe stated that once at the Bozeman event things seemed normal with various members of the media already present.
- Crowe stated that she was standing in the area casually chatting with numerous people when she heard Gianforte speaking in a “raised” voice, something to the effect of “You’ve done this before to me.” Crowe stated she did not know what had precipitated Gianforte’s response but felt Gianforte’s actions were “out of character.”
- Crowe stated she saw a scuffle with Jacobs on the floor and Gianforte on top of Jacobs. Crowe acknowledged she shut the door to the room to “contain the situation” and limit other people’s exposure to the incident, apparently aware that the incident would not appear favorable to Gianforte. Crowe again reiterated that what she saw was “out of character” for Gianforte as she considers him to typically be calm and composed in stressful circumstances.
- Crowe acknowledged that she didn’t see how the incident started but described Gianforte as being “a lot madder” than Jacobs was as the incident took place.
- Crowe added, “I would never have imagined this to be something Greg would do”, and, “I do not think that Greg should have responded in the way that he did.”

[Refer audio/video statement of K. Crowe for further detail.]

GCSO Detective Dan Mayland and I then met with the victim, Benjamin Jacobs ([REDACTED]), at the Law and Justice Center. Detective Mayland and I conducted and audio/video recorded interview with Jacobs, during which he reported the following;

- Jacobs is a reporter for the Guardian, a U.K. based newspaper.
- Jacobs had been in touch with Communications Director, Shane Scanlan, by phone on previous occasions to try to organize interviews or obtain statements, but had never attended a Gianforte event prior to May 23, 2017. Consequently, any previous issues or negative experiences the campaign attributed to Guardian journalists were not related to Jacobs personally.
- Jacobs attended a Gianforte event in Great Falls, MT the previous evening, May 23, 2017. Jacobs stated he was led to believe that he might be given an opportunity to ask Gianforte a question, but never was. As the event ended he was led to believe that perhaps they would have time for him at the Helena event the following day.
- Jacobs stated he attended the event in Helena, MT the morning of May 24, 2017, and was again led to believe that he may be given time to question Gianforte at some point. Jacobs further related that while he

was denied access to Gianforte, he observed other members of the press approach Gianforte on a casual or opportunistic basis and have their questions answered. The event ended and Jacobs was again led to believe that he may be given a chance to speak to Gianforte if he attended the Bozeman event that evening.

- Jacobs stated he went to the Bozeman event hoping to get an opportunity speak to Gianforte. Jacobs stated he began to realize that he would be denied time with Gianforte, likely because of the antagonistic relationship between the campaign and the Guardian. Jacobs stated there were other events he could have covered had he known that the campaign never intended to allow him time with Gianforte.
- Jacobs stated that he observed Gianforte casually chatting with the Fox News crew while they were getting equipment set up and preparing for an interview. Jacobs stated there was no formal interview or other process taking place that he would have been interfering with. Jacobs stated he was mingling in the area with a number of other people at the event that was open to the public and the press. Jacobs stated he was never specifically told that he could not speak with Gianforte or be within the event.
- Jacobs stated he decided to try and obtain a quick statement from Gianforte, as he realized this was the last event prior to the election and unless he initiated the questioning he would likely miss an opportunity to speak with Gianforte.
- Jacobs approached Gianforte, and while standing with his cell phone raised to approximately chest level (as demonstrated by Jacobs within the interview room), asked Gianforte a question in a conversational tone. Jacobs stated he uses the recording app on his personal cell phone to record interviews, and was holding it in the same manner that he has on numerous other interviews.
- Jacobs stated Gianforte responded by saying they would talk about it another time and directed Jacobs to speak with Scanlan, presumably about scheduling an interview at a later date. Jacobs advised Gianforte that there wouldn't be time later and pressed for an answer to his question.
- Jacobs reported that Gianforte then closed the distance between the two while grabbing Jacobs' cell phone in an apparent attempt to take it. Jacobs stated he instinctively resisted by pulling his phone back towards him at which time Gianforte "body-slammed" him, taking him the ground while yelling at him.
- Jacobs stated he believes Gianforte may have been punching him once on the ground, but the incident happened very quickly and couldn't be
- sure. Jacobs demonstrated how his body turned as he was thrown to the floor and showed how his left elbow struck the floor, causing him pain. Jacobs also noted that the right arm of his glasses had been broken off and I observed his right cheekbone/temple area to be red and raised, consistent with the events described.
- Jacobs stated Gianforte "got his wits" and got up off of Jacobs, but continued yelling at him, telling him to get out. Jacobs advised Gianforte and others in the room that his glasses were broken and he wanted to call the Police.
- Jacobs was insistent that he did nothing of a hostile or provoking nature, and never initiated physical contact with Gianforte. Jacobs related with some degree of humor, that he was surprised by Gianforte's response as he had asked far more offensive questions of other people, or been obnoxious in other settings without such results.

[Refer audio/video statement of B. Jacobs for further detail.]

Based on the statements of the above individuals and the other witnesses contacted during the investigation, a citation for Assault (M) was issued to Gianforte.

This concludes my involvement in the investigation.

END OF REPORT



Detective James Esper, GCSO #679

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