



OFFICE OF THE SHERIFF
GALLATIN COUNTY, MONTANA
615 South 16th, Bozeman, Montana 59715
(406) 582-2100 FAX (406) 582-2126



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

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)

mobile

911

unknown

8:07 PM



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.

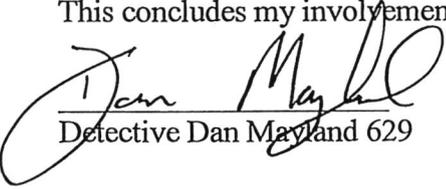
Det. Esper asked Ben if he had been asked to leave at any time prior to the incident with Gianforte. Ben indicated he had not. Det. Esper asked Ben if he at any time touched or grabbed Gianforte. Ben indicated he did not. Det. Esper asked Ben about the proximity of his cellular telephone to Gianforte. 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 portraied. Ben indicated he wanted to take some time to formulate his decision. He was escorted into a non-recorded interview room where he was alloted privacy to make his decision. Approximatley 15 minutes later Ben informed myself and Detective Esper he wanted to contiue with charges against Gianforte for assault.

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 hi motel.

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.

This concludes my involvement in this case.


Detective Dan Mayland 629

CONFIDENTIAL
THIS INFORMATION IS FOR LAW
ENFORCEMENT PURPOSES
ONLY. ANY UNAUTHORIZED
USE IS STRICTLY PROHIBITED.