

# Utah A.G. halts \$21 million Banjo contract as founder's past ties with KKK unveiled

Feared and praised Big Brother-esque system is under contract with multiple Utah police agencies  
By Art Raymond

Apr 28, 2020, 3:45pm MDT

<https://www.deseret.com/utah/2020/4/28/21171279/banjo-event-detection-aclu-libertas-surveillance-personal-privacy-kkk-ties-damien-patton-big-brother>

SOUTH JORDAN — Utah Attorney General Sean Reyes announced Tuesday that the state has suspended use of the technology services of Park City-based Banjo after it was revealed company founder Damien Patton has past connections with a white supremacist group and was involved in a shooting at a Jewish synagogue in the early '90s. Last summer, the state struck a multimillion-dollar contract with Banjo to aid first-responders and law enforcement investigators in detecting incidents and crimes. The company says its technology can provide critical information and investigative direction by constantly gathering and processing massive amounts of data from multiple sources, including networks of video surveillance cameras, that can be leveraged to prevent a Columbine-style shooting, get first responders to incidents faster and help solve crimes by saving police hours of old-fashioned detective work.



Court records and documents from federal hate crimes investigations discovered in reporting posted by online forum Medium found that at 17-years-old, Patton was involved with a faction of the Ku Klux Klan and participated in a drive-by shooting of a Nashville synagogue on June 9, 1990. According to court records, Patton was driving the vehicle on that day as a Klan leader shot out windows of the synagogue with a semi-automatic weapon. No one was injured in the incident, but the gunfire was directed at a building not far from where the congregation's rabbi was at the time.

While two Klansmen were later convicted of crimes related to the incident, Patton, according to Medium, pleaded guilty to acts of juvenile delinquency in connection with the incident. Patton also testified at the trial about his beliefs, at the time.

"We believe that the blacks and the Jews are taking over America, and it's our job to take America back for the white race," Patton testified.

Court documents reflect that Patton acknowledged attending white supremacist meetings and talks and admitted he was hiding out on a white supremacist compound following the synagogue shooting.

In a statement shared with the Deseret News, Patton expressed remorse for his actions earlier in life and asserted his involvement with hate groups and the violent acts he participated in were not a reflection of the person he has become.

"Thirty-two years ago I was a lost, scared and vulnerable child," Patton said. "I won't go into detail, but the reasons I left home at such a young age are unfortunately not unique; I suffered abuse in every form. I did terrible things and said despicable and hateful things, including to my own Jewish mother, that today I find indefensibly wrong, and feel extreme remorse for. I have spent most of my adult lifetime working to make amends for this shameful period in my life."

“In my teens, I dropped out of school, lived on the streets, ate out of dumpsters and raised money panhandling. I was desperate and afraid. I was taken in by skinhead gangs and white supremacist organizations. Over the course of a few years, I did many things as part of those groups that I am profoundly ashamed of and sorry about.

“Eventually, I was able to get myself away from this world while serving in the United States Navy. This turned my life around. While serving my country, I worked with law enforcement agencies in hate group prosecutions and left this world behind.

“Since then, I have tried and failed to completely accept and come to terms with how I, a child of Jewish heritage, became part of such a hateful, racist group. One thing I have done, through therapy and outreach, I have learned to forgive that 15-year-old boy who, despite the absence of ideological hate, was lured into a dark and evil world. For all of those I have hurt, and that this revelation will hurt, I’m sorry. No apology will undo what I have done.

“I have worked every day to be a responsible member of society. I’ve built companies, employed hundreds and have worked to treat everyone around me equally. In recent years, I’ve sought to create technologies that stop human suffering and save lives without violating privacy. I know that I will never be able to erase my past, but I work hard every day to make up for mistakes. This is something I will never stop doing.”

Reyes’ spokesman, Rich Piatt, said the attorney general was “shocked” by the news and made the move to suspend use of Banjo’s services.

“The Utah Attorney General’s office is shocked and dismayed at reports that Banjo’s founder had any affiliation with any hate group or groups in his youth,” Piatt said in a statement, adding that no one in the attorney general’s office was aware of those affiliations or actions. “They are indefensible. He has said so himself.”

The statement also said: “While we believe Mr. Patton’s remorse is sincere and believe people can change, we feel it’s best to suspend use of Banjo technology by the Utah A.G.’s Office while we implement a third-party audit and advisory committee to address issues like data privacy and possible bias. We recommend other state agencies do the same.”

According to Reyes’ office, dozens of municipal law enforcement agencies are using Banjo’s services through umbrella agreements under the state’s \$20.7 million contract.

Earlier this year, the Deseret News spoke with Patton, representatives of Reyes’ office, Utah elected officials, civil rights advocates and others about the service Banjo offers.

### **Benign detection or ‘1984’?**

While Patton describes what Banjo does as “event detection,” critics say the private company is a Big Brother-esque operation that isn’t providing appropriate transparency or accountability with no one knowing exactly what is done with this data, which in some cases is government-provided, and is running an analytics system that has the potential for abuse, including personal privacy breaches. And, it appears plans are already in the works to assemble new state rules that would institute guardrail regulations for companies like Banjo that utilize government-sourced data to perform analysis services for law enforcement and other agencies.

In an interview last month, Patton pointed to a wall at the company’s South Jordan office that features plaques commemorating over 40 U.S. patents Banjo has secured so far. He noted many of them represent processes the company has innovated for stripping personal identifying information out of the data it uses to help identify events that warrant the attention of first responders. And Patton says Banjo is deleting information, like stored feeds from video camera systems, on a regular basis.

“Banjo permanently deletes all government video data sources on a rolling, 24-hour basis,” Patton said. “This means that traffic cameras such as UDOT, and public safety cameras from other public safety

agencies do not have more than 24 hours in Banjo's system, as on the 24th hour, the oldest hour starts to be deleted to ensure only 24 hours of data is available."

Banjo began life in 2011 as a smartphone app that allowed users to find friends who were nearby, shifted its focus to sorting data to detect events in real time in 2013 and launched a new product in 2015 to help alert media outlets about situations that warranted news coverage.

Last year, according to Patton, the company shifted again after making a recognition that the best use of what its platform could do was "reduce human suffering."

"Here's why am I doing this," Patton said. "The bottom line is we're using tech to help first responders save lives and reduce human suffering. Period. The end. The focus is on first responders and saving lives and reducing human suffering. And the what behind the why is this engine, a platform we call Live Time."

Live Time combs through data coming from 1,000 Utah Department of Transportation traffic cameras across the state, live 911 calls, emergency vehicle location information, news outlets, social media platforms, weather reports, alarm centers and other sources to "help multiple agencies better service the public through quicker response times to real time events", according to language in the \$20.7 million contract Banjo signed with the state and its lead customers, the Utah Attorney General's Office, Utah Department of Public Safety and the University of Utah.

And while a Deseret News state records request yielded incomplete information about how many additional Utah law enforcement and public agencies have signed up under the state's cooperative contract system, the attorney general's office reported "dozens" of additional municipal agencies have signed up to use Banjo.

Ric Cantrell, chief of staff for Reyes, said he thinks the questions being raised about how Banjo functions are appropriate, but also defended the state's decision to do business with the company.

"The attorney general's office has a dual responsibility to use the best tools at our disposal to fight crime and protect lives ... and also be a staunch defender of every citizen's constitutional rights," Cantrell said in March. "We want Utahns to be in the loop on what we're doing and educated and we're here to address concerns and answer questions.

"You have this technology that sounds really advanced, and it is and can be hard to wrap your head around it. This system is just being built right now and the people building it are just as concerned with civil liberties. We asked many of the same questions we're getting now (about Banjo). Our people have looked at it and are satisfied."

### **'Stunning' commitment**

Another official who believes Banjo is doing what it says it does is Sen. Mike Lee, R-Utah. Lee said he's known Patton for a couple of years and has had the opportunity to have his concerns over potential civil rights infringements addressed in one-on-one conversations with the company's founder.

"As I understand Banjo's work, its entire business model seems to be based on harnessing (artificial intelligence) and using it to relieve suffering and enhance public safety in a way that doesn't jeopardize the privacy or the security of those who are subject to it," Lee said last month. "Their commitment to privacy goes above and beyond anything else I've seen in the industry. Particularly when you look at what they're capable of doing, versus what they are doing. Their commitment is quite stunning."

Lee said Patton took a pass on other business opportunities that could have earned the company easier profits but instead chose to go all-in on Live Time and a model that "enhances public safety".

Cantrell said there is currently a dearth of real-world examples showing Live Time being put to use, but said that is due to an implementation process that is still ongoing. But he did highlight a mock child abduction exercise performed last October that pit the Live Time tool against traditional investigative methods. While the event detection platform was able to locate the missing child in a matter of minutes, the traditional investigative methods would have gone on for hours, according to Cantrell.

## **Questions, unanswered**

Connor Boyack, president of Utah-based Libertarian think tank Libertas Institute, said he had an opportunity to speak with Patton and get a look at how Banjo's Live Time system works but came away with more questions than answers.

"Several months ago our organization was given access ... to Banjo's office to preview their software and see what they were doing," Boyack said. "We've had concerns for over a year about what they're doing, what data they're collecting and how they're storing and using that data. We were shown some of their software but I have no way of knowing what it actually does."

The American Civil Liberties Union of Utah also got a chance to speak with Patton and hear more about how Live Time is being put to use by public agencies in the state.

ACLU of Utah strategic communications manager Jason Stevenson said he and representatives of his organization met with Patton the day after the 2020 Utah legislative session ended and while they learned a lot about the company, they still have some concerns.

"We asked a lot of questions about the data they use, how they acquire it, how long they keep it and personally identifying information," Stevenson said. "The one thing that we emphasized is that although they're looking at events and places and not specific people, the system is not completely disconnected from impacts on people. There is potential for bias to creep into any digital artificial intelligence system, including this one."

Stevenson said the ability to reverse-engineer the data Banjo collects — even with the company stripping out all personal identifying information — is likely still a possibility if someone, or some entity, was able to access a set of the anonymized data collected by the company.

"Whenever you collect so much data in one place it becomes a target," Stevenson said. "There is certainly a forensic element that always leaves bread crumbs."

Besides local civil rights watchdogs, Banjo is also on the radars of national groups, like the Electronic Frontier Foundation, that specialize in defending civil liberties in the digital realm.

The foundation's policy analyst, Matthew Guariglia, told the Deseret News that not knowing exactly how Banjo's Live Time platform operates leaves unanswered questions about public accountability.

"The fact that nobody really knows how this technology works is incredibly troubling," Guariglia said. "A company that exists behind a black box, operating all this supposed advanced equipment on which the state is relying to direct where first responders should be sent ... these are matters of real civic importance."

"When governments rely on private companies that spit out answers, and they don't say how they've arrived at those answers, you're giving up public accountabilities."

Guariglia said even though a large portion of the data Banjo processes to perform its incident detection service may be publicly available, it breaches public confidence when a government entity is the mechanism that is packaging and delivering the data to a private commercial enterprise.

"People trust the government with this information that they might not trust with anybody else," Guariglia said. "When (a government entity) packages all this publicly available data and shares it with a private operation, that raises a lot of questions."

## **Trust, but verify**

Cantrell said audit authority is built into the Banjo agreement and one is currently scheduled to occur at the end of every fiscal year throughout the contract period. In the interim, he said an oversight committee is being created that includes principals from the entities using the service and will include representatives of the Utah Attorney General's Office, Utah Department of Public Safety, a University of Utah representative and others.

And Patton was unequivocal in his stated willingness to cooperate with any independent assessments, even if they were to occur sooner than later.

“If we’re going to be a custodian of public data, we must be audited,” Patton said. “I have called for audits of our company. I’ve called for audits of all tech companies that use any government or public information.

“I’ve championed for this and we are ready to go for an audit. Today, tomorrow, whenever. And it should happen.”

Boyack said he supports an evaluation of how Banjo is handling public data and would like to see a qualified, third-party entity perform that assessment. He said he is not confident the state has the appropriate expertise to evaluate a company like Banjo that has developed complex new technology.

“We would be very interested in making sure the law is very explicit in what the audit looks like, who performs it, what they review and how those evaluations are to be utilized and disclosed to the public,” Boyack said. “We are not confident in existing state audit procedures, or how that would be applied to a company like Banjo.”

Libertas, along with the ACLU of Utah, both reported they plan to work on a legislative proposal over the interim that would aim to create new state rules to regulate how government-supplied data can be used by a private company.

Utah House Majority Leader Francis Gibson, R-Mapleton, said he has concerns about how data is being used by companies like Banjo and will work with local civil rights groups to learn more about how the platform works and what safeguards may be appropriate in a potential piece of new legislation.

“I believe there is a place for technology like this, if we can prevent another Trolley Square or Columbine shooting,” Gibson said. “But how we get there is important.

“I just want to make sure we put guidelines around what information can be gathered, who has access to it and what penalties look like in the event of a breach or something going wrong.”