



Dear Assemblymember Bauer-Kahan,

My name is Maya Dave, and I am a rising 9th grader at Stanford Online High School. We are Mind on Trial, a youth nonprofit publication at the intersection of neuroscience and law. Founded in 2026, we are student-led and based in California, with members across the nation. Mind on Trial publishes neurolaw case analyses, provides accessible scientific explanations, and advocates for evidence-based policy reform. We do this through an original, analytical framework, examining every case through three interconnected lenses: forensic evidence, cognitive neuroscience, and legal interpretation. Find our ongoing work and progress at mindontrial.org.

We appreciate your existing work on algorithmic transparency, and with this letter we ask you to extend this work specifically into the criminal justice context. One of our goals at Mind on Trial is to spread awareness about racial bias in algorithmic tools used in criminal sentencing. These tools (COMPAS, LSI-R, etc.) are presented as objective and scientific but are proprietary, unaudited, and produce racially disparate outcomes. A 2016 ProPublica investigation found that COMPAS flagged Black defendants as future criminals at nearly twice the rate of white defendants with the same histories. A 2019 study published in Science Advances confirmed this pattern across multiple widely used tools, finding that they perform unequally across racial groups in ways that are both documented and reproducible.

The source of this disparity is not a technical glitch. These tools rely on inputs that are statistically correlated with race, including neighborhood of residence, employment history, family criminal history, and educational attainment. These are not neutral measures of individual risk. They are proxies for generations of structural disadvantage produced by discriminatory housing policy, unequal school funding, and over-policing. When an algorithm trains on data produced by a biased system, the output inherits that bias. Punishing someone more severely because of where they grew up is not evidence-based sentencing. It is the automation of inequity.

Neuroscience makes this problem more urgent, not less. The same body of adolescent brain development research that led the Supreme Court to ban the death penalty for juveniles in *Roper v. Simmons* (2005) demonstrates that behavior is profoundly shaped by environment, stress, and structural disadvantage in ways that are measurable and real. A risk score that converts those environmental conditions into a probability of future harm is not predicting individual character. It is encoding the conditions of a person's upbringing into their sentence.

The constitutional problem operates on two levels simultaneously. The first is equal protection: the Fourteenth Amendment does not permit a state to impose harsher sentences on the basis of race, whether the mechanism is a human decision or an algorithmic one. The second is due process: a defendant has the right to challenge the evidence used against them. When that

evidence is a proprietary algorithm whose internal logic is shielded from disclosure, that right is unenforceable. In *Daubert v. Merrell Dow Pharmaceuticals* (1993), the Supreme Court established that scientific evidence used in legal proceedings must be reliable, tested, and subject to peer review. Most commercial risk assessment tools used in California courts today do not meet that standard.

We are writing to you because your work on AB 1018 demonstrates that you understand this problem precisely. AB 1018 explicitly identifies criminal justice decisions, including pretrial release, sentencing, and alternatives to incarceration, as consequential decisions subject to algorithmic accountability requirements. The bill was designated a two-year bill, creating an opportunity to return in the current session with strengthened protections, including mandatory bias impact assessments and the right for individuals to have algorithmic errors corrected. We urge you to bring it back with criminal justice as a named priority, not incidental to the broader framework.

Specifically, we ask that you:

- (1) Champion the reintroduction and passage of AB 1018 with explicit, enforceable protections for defendants in criminal sentencing contexts, including mandatory disclosure of any algorithmic tool used at sentencing and mandatory independent bias auditing before deployment in California courts;
- (2) Require that any risk assessment tool used in a California courtroom be validated specifically on California's population and made available for review by defense counsel; and
- (3) Oppose any sentencing framework that treats algorithmic risk scores as equivalent to individualized judicial assessment.

The use of these tools is expanding. Every year this continues is another year in which structural inequality, encoded in data, shapes the length of a person's sentence in a state that has committed itself to doing better.

Mind on Trial is a publication led by students of neuroscience and law who are also students of history. We know that change in this country has always required people naming the problem clearly, in public, and with evidence. We are doing our best to fulfill that here.

Thank you for your leadership on algorithmic accountability in California. We can be reached at info@mindontrial.org and welcome any opportunity to provide further information or testimony in support of this work.

With appreciation for your attention to this matter,

Maya Dave

Founder, Mind on Trial

info@mindontrial.org

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