



## Fact Sheet Series by Professor Michael T. Light

### Racial Disparities in California Criminal History Data

#### No.001: Charges of Resisting Arrest<sup>1</sup>

**SUMMARY.** Sociologists at the University of Wisconsin-Madison reviewed 13 years of California criminal history data (from 2006 to 2018) to analyze racial disparities in arrests, charges, and convictions. This factsheet summarizes our analysis of policing and prosecution related to alleged violations of California Penal Code Sections 69 and/or 148—otherwise referred to as “resisting arrest.”

A review of the data concluded that Black and Hispanic individuals were arrested, charged and convicted at higher rates for resisting arrest as compared to white individuals; and the disparities were heightened in some counties. Black people were 3.8 times as likely to be arrested, 3.5 times as likely to be prosecuted, and 3.2 times as likely to be convicted for this offense as white people. Hispanic people were 1.1 times as likely to be arrested, 1.2 times as likely to be prosecuted, and 1.3 times as likely to be convicted for this offense as white people. Some counties had particularly severe Black-white or Hispanic-white arrest gaps—with Black people 12.4 times as likely to be arrested for this offense as white people, and Hispanic people more 2.6 times as likely to be arrested for this offense as white people in the counties with the greatest disparities.

Black and Hispanic individuals were also over-represented, in comparison to their population in the state, among individuals arrested for, charged with, and convicted of resisting arrest offenses. While only 5.7% of California’s population was Black, 20.2% of the arrests for resisting arrest in California, 18.5% of the resisting arrest charges, and 16.8% of the resisting arrest convictions were of Black people. The Hispanic population represented 37.9% of the total California population, yet Hispanic people constituted 39.0% of all arrests for resisting arrest in California, 40.8% of the resisting arrest charges, and 43.3% of the resisting arrest convictions.

Black and Hispanic individuals were also more likely to be charged with a felony rather than a misdemeanor when prosecutors had discretionary authority to charge the offense as either a misdemeanor or a felony. Prosecutors charged as a felony 74.1% of white individuals arraigned pursuant to California Penal Code 69, while charging 81.3% of Black individuals and 79.3% of Hispanic individuals, respectively, with a felony pursuant to the same charge.

## INTRODUCTION

**Primary Inquiry.** We analyzed the racial differences in alleged violations of resisting arrest in California, defined as an arrest for alleged violations of California Penal Code Sections 69 and/or 148. We also examined the racial difference in “standalone” resist cases, where the charges at arrest or in court only consisted of violations of California Penal Code Sections 69 or 148, with no other charges.

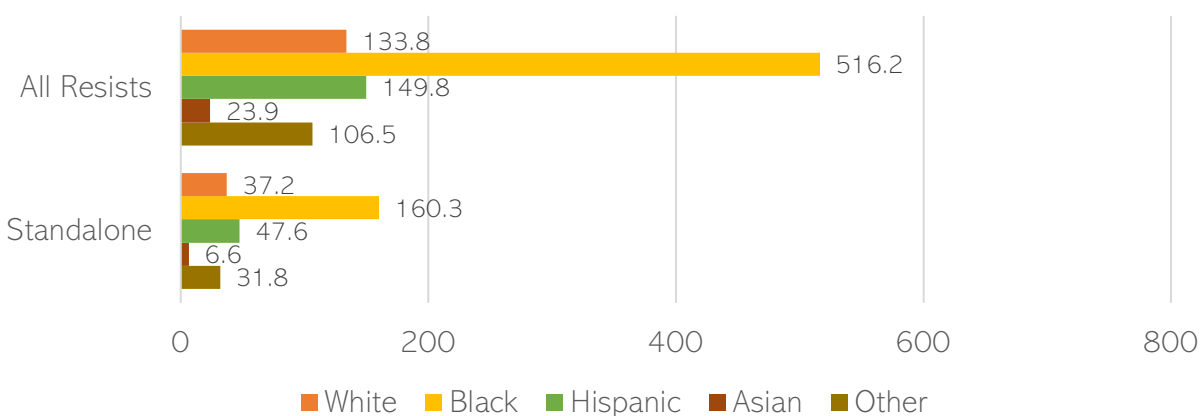
**Data.** We analyzed administrative criminal records data accessed through the California Department of Justice (known as CORI data). The CORI data consist of all felony and misdemeanor arrests from 2006 to 2018 in the state of California (19,112,520 cases in total). For this analysis, we considered 721,190 cases of individuals charged with resisting arrest, including 216,686 stand-alone resisting arrest cases. More details about the data are provided in Factsheet No. 000.

**Analyses Conducted.** We conducted four analyses. First, we analyzed the number of arrests for resisting arrest as a percentage of the state’s population and by race. This was calculated by counting all the arrests for Penal Code Section 69 and/or 148 and dividing it by the sum of yearly population of California from 2006 to 2018 (obtained from the American Community Survey). This was calculated for each racial group to allow the comparison across racial groups. As part of this analysis, we also identified counties that show particularly high racial disparities in resisting arrests. Second, we analyzed racial differences in the number of resisting arrest cases charged by the prosecutor and/or convicted by a court. Third, we compared the racial composition of resisting arrest cases to that of all criminal cases in the CORI data, as well as to the overall racial composition of California’s population. Fourth, we examined whether there was a racial difference in the probability of being arrested, charged, and/or convicted for a felony resist charge under Penal Code Section 69, which is a “wobbler” that prosecutors have the discretion to charge as either a felony or a misdemeanor.

## ARREST RATES BY RACE FOR CHARGES OF RESISTING ARREST

Black and Hispanic people in California were arrested for resisting arrest at a higher rate (per 100,000 population) than white people. There were 133.8 arrests per 100,000 white people for charges of resisting and 37.2 arrests per 100,000 white people for stand-alone resisting charges. For the Black population, the rate of arrest for resisting was 3.8 times as high (516.2 arrests for resisting per 100,000 Black people) and 4.3 times as high for stand-alone arrests for resisting (160.3 stand-alone arrests for resisting per 100,000 Black people). For the Hispanic population, the rate of arrest for resisting was 1.1 times as high (149.8 arrests for resisting per 100,000 Hispanic people) and 1.3 times as high for stand-alone arrests for resisting (47.6 stand-alone arrests for resisting per 100,000 Hispanic people).

**Figure 1. Arrests per 100,000 People, by Race**



## COUNTY ANALYSES

Racial disparities at arrest were consistently higher in certain counties. Among all the counties that have yearly county population in the American Community Survey,<sup>2</sup> racial disparities in arrest rates for resisting arrests were greatest in the counties listed in Tables 1 and 2. San Mateo and Santa Clara counties showed among the highest racial disparities in the arrest rates for resisting arrests both in Black-white gaps and Hispanic-white gaps. In San Mateo, for instance, Black people were 11.5 times as likely to be arrested for resisting as whites; and 1.7 times more likely to be arrested for resisting and no other charge. Appendix A lists the racial disparities in arrest rates for all counties.

**Table 1. Counties with Largest Racial Gaps in the Arrest Rates of Resisting Arrests**

Panel A. Black-White Gap in the Arrest Rates for Resisting Arrests			
County	White (A)	Black (B)	B-W Gap (B/A)
San Francisco	137.3	1706.3	12.4
San Mateo	98.2	1127.7	11.5
Marin	127.0	1343.2	10.6
Santa Clara	118.7	977.2	8.2
Santa Cruz	230.2	1713.1	7.4
Panel B. Hispanic-White Gap in the Arrest Rates for Resisting Arrests			
County	White (A)	Hispanic (C)	H-W Gap (C/A)
Santa Clara	118.7	305.0	2.6
Ventura	144.4	298.6	2.1
Fresno	138.3	260.8	1.9
Marin	127.0	233.4	1.8
San Mateo	98.2	168.0	1.7

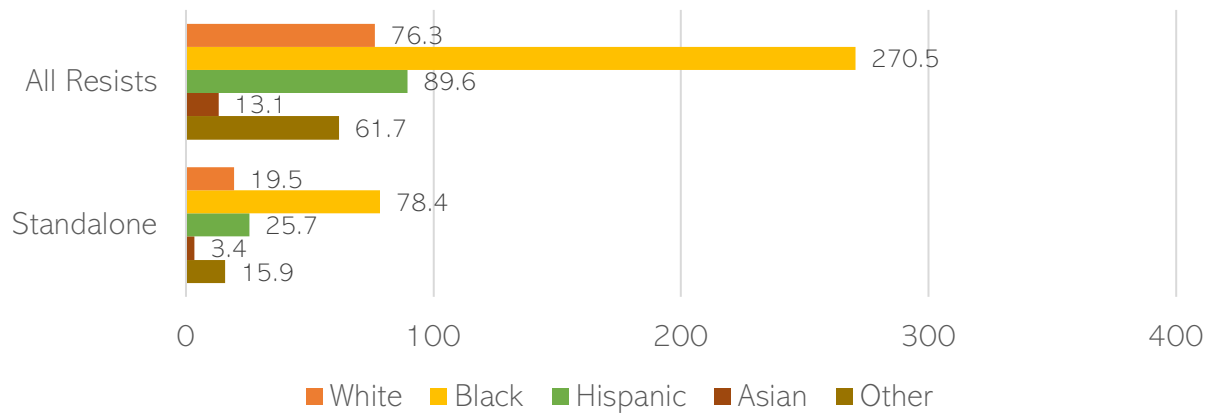
**Table 2. Counties with Largest Racial Gaps in the Arrest Rates for Stand-Alone Offenses of Resisting Arrests**

Panel A. Black-White Gap in the Arrest Rates for Stand-Alone Offenses of Resisting Arrests			
County	White (A)	Black (B)	B-W Gap (B/A)
Marin	34.3	363.4	10.6
San Mateo	26.2	267.9	10.2
Santa Clara	23.6	203.1	8.6
San Francisco	23.1	183.2	7.9
Butte	67.1	516.3	7.7
Panel B. Hispanic-White Gap in the Arrest Rates for Stand-Alone Offenses of Resisting Arrests			
County	White (A)	Hispanic (C)	H-W Gap (C/A)
Santa Clara	23.6	59.6	2.5
Fresno	34.2	76.6	2.2
Ventura	29.0	64.5	2.2
San Mateo	26.2	52.8	2.0
Kings	36.5	62.0	1.7

## CASE OUTCOMES BY RACE FOR CHARGES OF RESISTING ARREST

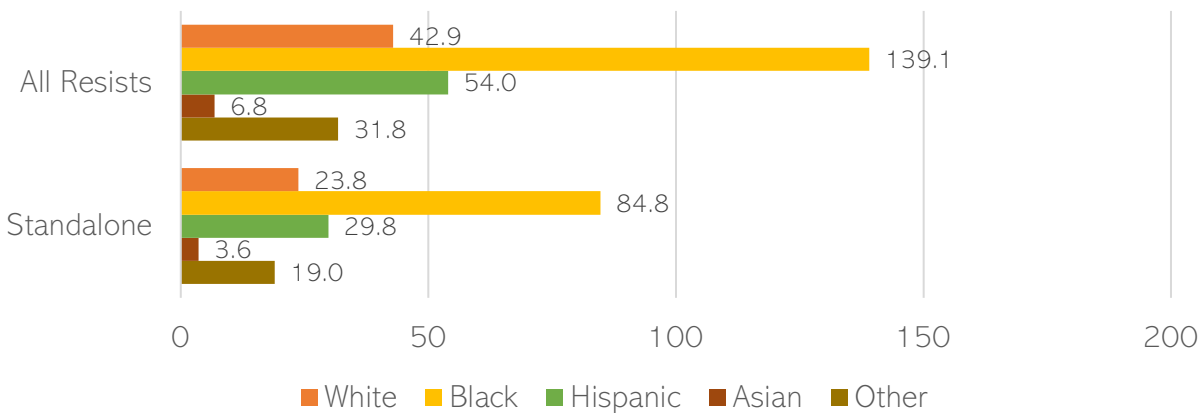
There was a higher rate of Black and Hispanic people charged by the prosecutor with resisting arrest, as compared to white population. Prosecutors charged 76.3 resisting cases per 100,000 white people and 19.5 stand-alone resisting cases per 100,000 white people. For the Black population, this rate was 3.5 times as high (270.5 charges of resisting per 100,000 Black people) and 4.0 times as high for stand-alone resisting charges (78.4 standalone charges for resisting arrest per 100,000 Black people). For the Hispanic population, the rate of prosecution was 1.2 times as high for resisting, and 1.3 times as high for stand-alone resisting charges.

**Figure 2. Cases Accepted by Prosecutors per 100,000 People, by Race**



A similar pattern was observed in conviction rates per population. For resisting charges, there were 42.9 convictions per 100,000 white individuals, as compared to 139.1 convictions per 100,000 Black individuals (3.2 times as high as white population) and 54.0 convictions per Hispanic individuals (1.3 times as high as white population). For stand-alone resisting charges, there were 23.8 convictions per 100,000 white individuals, 84.8 convictions per 100,000 Black individuals (3.6 times as high as white population) and 29.8 convictions per 100,000 Hispanic individuals (1.3 times as high).

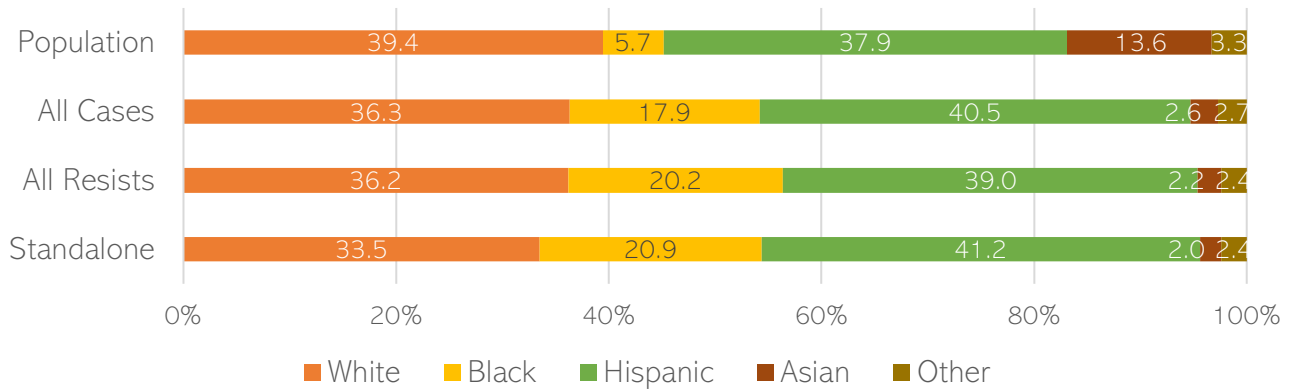
**Figure 3. Convictions per 100,000 People, by Race**



## RACIAL COMPOSITION OF RESISTING CASES

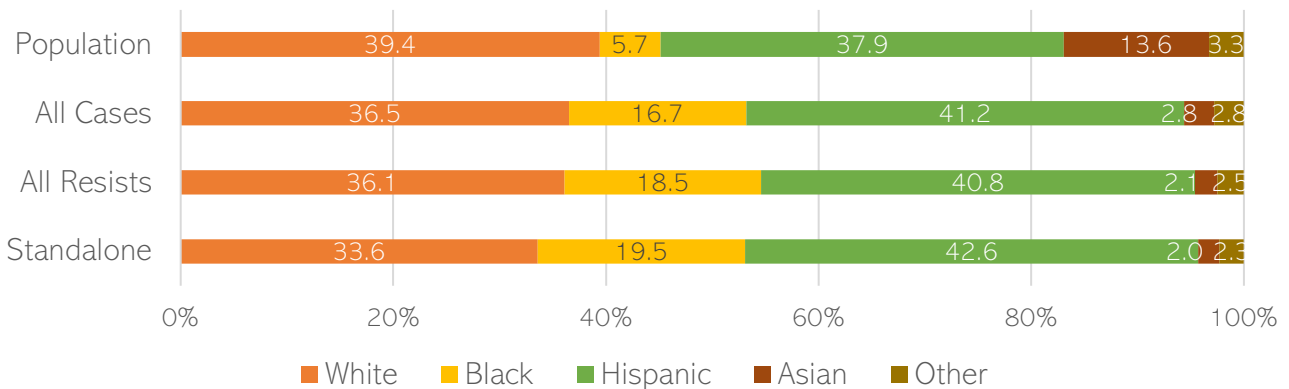
**Arrests.** Black and Hispanic people were overrepresented, in comparison to their population in the state, among arrestees for resisting offenses. While only 5.7% of California’s population was Black, 20.2% of arrests for resisting, and 20.9% of stand-alone arrests for resisting, were of Black individuals. The Hispanic population represented 37.9% of the total California population, yet 39.0% of all arrests for resisting, and 41.2% of stand-alone arrests for resisting, were of Hispanic individuals. In contrast, while 39.4% of the population in California was white, 36.2% of the arrests for resisting, and 33.5% of arrests for stand-alone charges of resisting, were of white individuals.

**Figure 4. Racial Composition of Arrests, Compared to General Population**



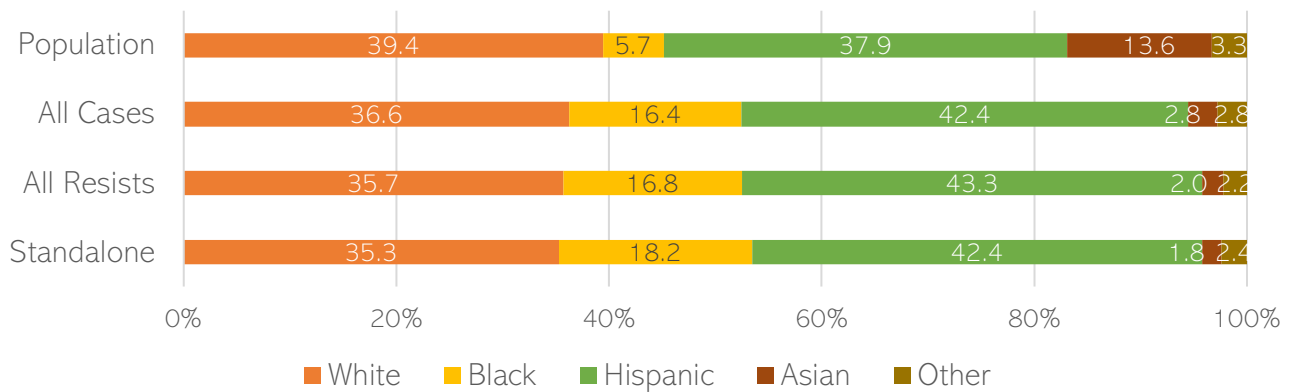
**Charges.** Racial disparities remained present when looking at those who were charged by prosecutors for resisting arrest. Black and Hispanic people were overrepresented among resisting offenses charged by prosecutors, in comparison to their population in the state. While only 5.7% of the population in California was Black, 18.5% of the resisting cases charged by prosecutors, and 19.5% of the stand-alone resisting charges, were of Black individuals. The Hispanic population represented 37.9% of the total California population, yet 40.8% of the resisting charges, and 42.6% of the stand-alone resisting charges of stand-alone, were of Hispanic individuals. In contrast, while 39.4% of the population in California was white, 36.1% of the resisting charges, and 33.6% of the stand-alone resisting charges, were of white individuals.

**Figure 5. Racial Composition of Cases Accepted by Prosecutors**



**Convictions.** Racial disparities remained when looking at those who are convicted of resisting arrest. Black and Hispanic people were overrepresented among resisting convictions, in comparison to their population in the state, with especially great overrepresentation when looking only at stand-alone resisting convictions. 16.8% of the convictions for resisting, and 18.2% of the stand-alone convictions for resisting, were of Black individuals. 43.3% of the convictions for resisting, and 42.4% of the stand-alone convictions for resisting, were of Hispanic individuals. In contrast, 35.7% of the convictions for resisting, and 35.3% of the stand-alone convictions for resisting, were of white individuals.

**Figure 6. Racial Composition of Convictions**



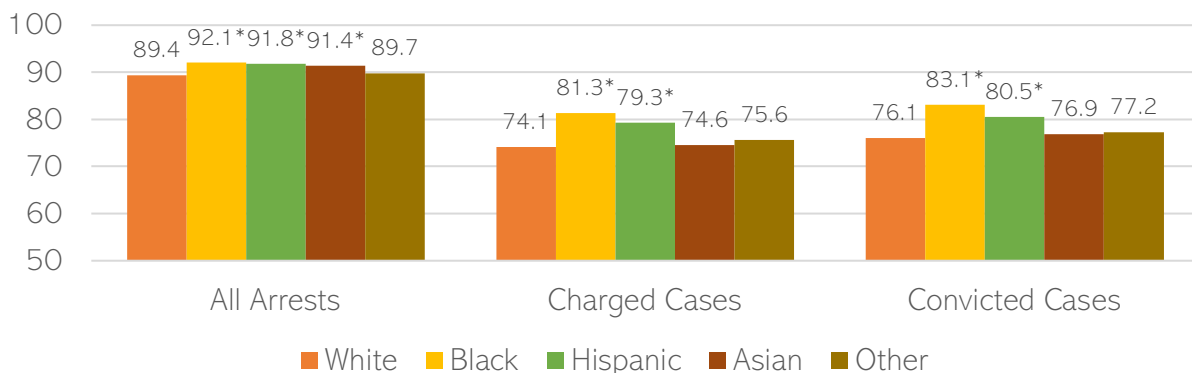
**PROPORTION OF DISCRETIONARY FELONY CHARGES BY RACE**

**Arrests.** There was an overrepresentation of Black and Hispanic individuals among those charged with a felony pursuant to California Penal Code 69, which prosecutors have the discretionary authority to charge as either a felony or a misdemeanor. 89.4% of the White individuals arrested for Penal Code 69 were referred by law enforcement authorities for a felony resisting charge, while 92.1% of Black individuals and 91.8% of Hispanic individuals were referred by law enforcement for a felony. These differences were statistically significant.

**Charges.** When the analysis was restricted to the cases where prosecutors charged Penal Code 69 offenses, the likelihood of the prosecutors charging the offense as a felony was 74.1% for white individuals, but 81.3% for Black individuals and 79.3% for Hispanic individuals. These differences were statistically significant.

**Convictions.** This racial difference was similar for Penal Code 69 convictions. 76.1% of white individuals were convicted of felony resisting, as compared to 83.1% of Black individuals and 80.5% of Hispanic individuals charged with this offense. These differences were statistically significant.

**Figure 7. Proportions of Felony Charges by Race**



Note: Asterisk indicates that the gap between the focal racial group and white is significant (significance level: 5%).

## CONCLUSION

This factsheet has analyzed patterns in arrest, charging, and conviction for the offense of resisting arrest in California. Among other things, this analysis compared the rates that different racial groups are subjected to enforcement of Penal Code Sections 69 and/or 148 as a percentage of their representation in the state's population.

Our findings show that Black and Hispanic people were significantly overrepresented at every stage in the criminal process. Black and Hispanic people were more likely to be arrested, charged, and convicted with a resisting arrest charge, as a proportion of their representation in the state's population, as compared to white people.

There was an especially large racial disparity in stand-alone arrests for resisting arrest. Black and Hispanic people were also more likely to face more severe penalties for the offense of resisting, with a greater proportion of Black and Hispanic individuals arrested for and charged with a felony for a resisting offense, as compared to their white counterparts.

Further research is needed to examine racial disparities in discretionary arrests and charging decisions in other areas, and to develop appropriate policy solutions to inform policing and prosecutorial practices.

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<sup>1</sup> This factsheet is written with the assistance from Jungmyung Kim ([jungmyung.kim@wisc.edu](mailto:jungmyung.kim@wisc.edu)).

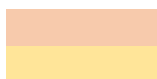
<sup>2</sup> The American Community Survey data do not show county information for the yearly population data when there are not a sufficient number of surveyed individuals within the county. For this reason, the arrest rates by county can only be calculated for the counties that are large enough to be seen in the ACS. The table lists all resist arrests by county as long as the county population data are available in the ACS.

## APPENDIX A. Racial Disparities in the Arrest Rates by County

**Table A-1. Racial Disparities in the Arrest Rates for Resisting Arrests by County<sup>1</sup>**

County	White (A)	Black (B)	Hispanic (C)	B-W Gap (B/A)	H-W Gap (C/A)
All Else	242.2	794.3	239.3	3.3	1.0
Alameda	110.3	535.5	146.2	4.9	1.3
Butte	258.7	1600.4	235.3	6.2	0.9
Contra Costa	131.6	767.9	155.7	5.8	1.2
El Dorado	141.4	614.9	126.0	4.3	0.9
Fresno	138.3	838.3	260.8	6.1	1.9
Humboldt	418.7	1892.0	280.0	4.5	0.7
Imperial	334.2	608.3	223.1	1.8	0.7
Kern	458.8	1654.8	516.1	3.6	1.1
Kings	160.8	635.2	251.6	4.0	1.6
Los Angeles	39.9	197.6	58.1	5.0	1.5
Madera	230.3	865.7	279.6	3.8	1.2
Marin	127.0	1343.2	233.4	10.6	1.8
Merced	198.0	1024.3	245.0	5.2	1.2
Napa	192.6	972.0	217.3	5.0	1.1
Orange	124.6	608.9	162.8	4.9	1.3
Placer	127.6	723.8	146.8	5.7	1.2
Riverside	72.9	280.3	85.0	3.8	1.2
Sacramento	109.9	592.6	120.6	5.4	1.1
San Bernardino	130.0	477.7	137.7	3.7	1.1
San Diego	98.3	584.2	123.2	5.9	1.3
San Francisco	137.3	1706.3	209.5	12.4	1.5
San Joaquin	256.0	980.5	240.5	3.8	0.9
San Luis Obispo	170.3	563.3	217.7	3.3	1.3
San Mateo	98.2	1127.7	168.0	11.5	1.7
Santa Barbara	212.7	1052.1	257.0	4.9	1.2
Santa Clara	118.7	977.2	305.0	8.2	2.6
Santa Cruz	230.2	1713.1	286.4	7.4	1.2
Shasta	313.1	1289.9	278.0	4.1	0.9
Solano	158.7	691.2	161.5	4.4	1.0
Sonoma	258.0	1502.2	216.7	5.8	0.8
Stanislaus	233.8	1014.0	246.6	4.3	1.1
Tulare	124.6	914.3	183.6	7.3	1.5
Ventura	144.4	825.5	298.6	5.7	2.1
Yolo	179.0	1078.2	199.2	6.0	1.1

<sup>1</sup> The American Community Survey data do not show county information for the yearly population data when there are not a sufficient number of surveyed individuals within the county. For this reason, the arrest rates by county can only be calculated for the counties that are large enough to be seen in the ACS. The table lists all arrest rates by county as long as the county population data are available in the ACS. The table presents the aggregate arrest rates for the other counties in the first row as “All Else.”



Indicates the county is one of the top 5 most racially disparate counties

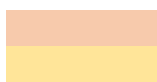
Indicates the county is one of the bottom 5 least racially disparate counties



**Table A-2. Racial Disparities in the Arrest Rates  
for Standalone Offenses of Resisting Arrest by County<sup>1</sup>**

County	White (A)	Black (B)	Hispanic (C)	B-W Gap (B/A)	H-W Gap (C/A)
All Else	68.7	272.6	72.6	4.0	1.1
Alameda	34.0	142.7	47.9	4.2	1.4
Butte	67.1	516.3	70.0	7.7	1.0
Contra Costa	27.8	199.1	37.6	7.1	1.4
El Dorado	41.3	196.2	40.5	4.7	1.0
Fresno	34.2	237.3	76.6	6.9	2.2
Humboldt	83.5	394.4	56.1	4.7	0.7
Imperial	106.8	212.6	73.2	2.0	0.7
Kern	89.0	392.5	104.9	4.4	1.2
Kings	36.5	171.4	62.0	4.7	1.7
Los Angeles	17.1	99.7	27.1	5.8	1.6
Madera	51.5	209.1	70.0	4.1	1.4
Marin	34.3	363.4	56.4	10.6	1.6
Merced	52.7	298.0	69.4	5.7	1.3
Napa	53.5	228.4	66.1	4.3	1.2
Orange	37.2	176.7	50.1	4.8	1.3
Placer	38.9	242.8	48.3	6.2	1.2
Riverside	26.7	118.1	33.6	4.4	1.3
Sacramento	20.9	129.8	24.2	6.2	1.2
San Bernardino	52.1	215.4	55.5	4.1	1.1
San Diego	35.1	198.1	41.8	5.6	1.2
San Francisco	23.1	183.2	34.8	7.9	1.5
San Joaquin	59.8	304.4	60.6	5.1	1.0
San Luis Obispo	65.7	180.8	81.3	2.8	1.2
San Mateo	26.2	267.9	52.8	10.2	2.0
Santa Barbara	73.4	400.2	86.5	5.5	1.2
Santa Clara	23.6	203.1	59.6	8.6	2.5
Santa Cruz	52.6	372.9	74.3	7.1	1.4
Shasta	72.0	324.3	57.4	4.5	0.8
Solano	30.3	166.3	32.2	5.5	1.1
Sonoma	44.6	305.0	41.6	6.8	0.9
Stanislaus	49.7	246.0	57.9	4.9	1.2
Tulare	105.5	690.4	159.5	6.5	1.5
Ventura	29.0	181.5	64.5	6.3	2.2
Yolo	45.7	249.1	47.6	5.5	1.0

<sup>1</sup> The American Community Survey data do not show county information for the yearly population data when there are not a sufficient number of surveyed individuals within the county. For this reason, the arrest rates by county can only be calculated for the counties that are large enough to be seen in the ACS. The table lists all arrest rates by county as long as the county population data are available in the ACS while presenting the aggregate arrest rates for the other counties as “all else.”



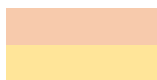
Indicates the county is one of the top 5 most racially disparate counties  
Indicates the county is one of the bottom 5 least racially disparate counties

## APPENDIX B. Racial Disparities in the Case Acceptance Rates by County

**Table B-1. Racial Disparities in the Case Acceptance Rates for Resisting Arrests by County<sup>1</sup>**

County	White (A)	Black (B)	Hispanic (C)	B-W Gap (B/A)	H-W Gap (C/A)
All Else	154.2	483.5	151.5	3.1	1.0
Alameda	43.5	188.7	58.7	4.3	1.3
Butte	131.6	794.4	119.8	6.0	0.9
Contra Costa	39.3	193.4	42.7	4.9	1.1
El Dorado	97.9	457.9	93.8	4.7	1.0
Fresno	76.5	454.4	137.8	5.9	1.8
Humboldt	240.4	1038.3	159.3	4.3	0.7
Imperial	179.5	339.9	120.1	1.9	0.7
Kern	258.0	1023.0	297.8	4.0	1.2
Kings	85.5	324.2	124.7	3.8	1.5
Los Angeles	35.7	172.3	52.6	4.8	1.5
Madera	147.5	640.5	171.4	4.3	1.2
Marin	77.4	870.5	150.4	11.3	1.9
Merced	58.0	288.0	63.6	5.0	1.1
Napa	100.5	495.8	114.8	4.9	1.1
Orange	77.6	336.8	99.1	4.3	1.3
Placer	79.8	429.2	94.4	5.4	1.2
Riverside	51.3	182.1	60.0	3.6	1.2
Sacramento	56.8	315.3	64.4	5.5	1.1
San Bernardino	65.9	243.5	67.4	3.7	1.0
San Diego	27.1	156.2	32.8	5.8	1.2
San Francisco	17.1	272.3	22.5	15.9	1.3
San Joaquin	158.6	654.4	150.1	4.1	0.9
San Luis Obispo	121.8	360.0	159.2	3.0	1.3
San Mateo	66.8	691.2	113.5	10.3	1.7
Santa Barbara	168.2	753.3	200.1	4.5	1.2
Santa Clara	70.5	556.9	180.3	7.9	2.6
Santa Cruz	113.7	809.5	143.7	7.1	1.3
Shasta	249.6	995.4	212.3	4.0	0.9
Solano	88.4	375.7	87.8	4.2	1.0
Sonoma	166.2	957.7	145.4	5.8	0.9
Stanislaus	126.1	551.9	132.5	4.4	1.1
Tulare	160.6	805.5	203.7	5.0	1.3
Ventura	75.4	423.6	151.1	5.6	2.0
Yolo	86.5	502.6	106.3	5.8	1.2

<sup>1</sup> The American Community Survey data do not show county information for the yearly population data when there are not a sufficient number of surveyed individuals within the county. For this reason, the arrest rates by county can only be calculated for the counties that are large enough to be seen in the ACS. The table lists all case acceptance rates by county as long as the county population data are available in the ACS. The table presents the aggregate arrest rates for the other counties in the first row as “All Else.”



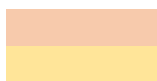
Indicates the county is one of the top 5 most racially disparate counties

Indicates the county is one of the bottom 5 least racially disparate counties

**Table B-2. Racial Disparities in the Stand-Alone Acceptances of Resisting Arrest by County<sup>1</sup>**

County	White (A)	Black (B)	Hispanic (C)	B-W Gap (B/A)	H-W Gap (C/A)
All Else	36.3	127.7	38.6	3.5	1.1
Alameda	11.1	48.8	15.2	4.4	1.4
Butte	32.2	193.9	33.9	6.0	1.1
Contra Costa	6.5	39.3	7.8	6.0	1.2
El Dorado	22.0	91.6	18.7	4.2	0.9
Fresno	18.8	142.9	40.5	7.6	2.2
Humboldt	45.2	159.7	28.3	3.5	0.6
Imperial	54.9	120.3	42.2	2.2	0.8
Kern	57.6	299.0	68.4	5.2	1.2
Kings	21.8	86.9	34.8	4.0	1.6
Los Angeles	9.5	50.8	15.3	5.4	1.6
Madera	44.4	206.1	58.1	4.6	1.3
Marin	14.6	209.7	30.4	14.4	2.1
Merced	18.4	111.2	21.8	6.0	1.2
Napa	25.6	111.4	32.3	4.4	1.3
Orange	24.4	105.8	32.7	4.3	1.3
Placer	19.8	109.7	27.7	5.5	1.4
Riverside	13.9	52.0	16.9	3.7	1.2
Sacramento	15.5	98.0	18.2	6.3	1.2
San Bernardino	18.7	83.7	20.5	4.5	1.1
San Diego	5.6	35.8	6.9	6.4	1.2
San Francisco	2.9	47.1	3.6	16.0	1.2
San Joaquin	41.9	204.1	38.1	4.9	0.9
San Luis Obispo	40.8	134.4	52.6	3.3	1.3
San Mateo	13.2	149.0	26.9	11.3	2.0
Santa Barbara	41.9	220.5	58.3	5.3	1.4
Santa Clara	19.1	165.0	51.7	8.6	2.7
Santa Cruz	24.7	211.6	41.2	8.6	1.7
Shasta	48.3	205.0	38.7	4.2	0.8
Solano	22.9	117.8	25.5	5.1	1.1
Sonoma	41.5	271.7	38.4	6.5	0.9
Stanislaus	35.7	181.3	38.9	5.1	1.1
Tulare	55.3	350.2	76.8	6.3	1.4
Ventura	23.4	147.1	53.2	6.3	2.3
Yolo	19.2	114.8	27.6	6.0	1.4

<sup>1</sup> The American Community Survey data do not show county information for the yearly population data when there are not a sufficient number of surveyed individuals within the county. For this reason, the arrest rates by county can only be calculated for the counties that are large enough to be seen in the ACS. The table lists all case acceptance rates by county as long as the county population data are available in the ACS while presenting the aggregate arrest rates for the other counties as “all else.”



Indicates the county is one of the top 5 most racially disparate counties  
 Indicates the county is one of the bottom 5 least racially disparate counties