

ELIMINATING DEBTOR'S PRISON FOR KIDS

OVERVIEW

Almost 800,000 youth appear in juvenile court each year. Across the country, youth and families face fees and costs that undermine public safety and contribute to racial disparities in the legal system. In Kansas, youth or their families may be required to pay for seven different kinds of costs: costs of confinement, cost of counsel, court costs, evaluation costs, expungement fees, probation fees, and fines.

FEEES AND COSTS ARE HARMFUL

FEEES AND COSTS UNDERMINE PUBLIC SAFETY.

Research shows juvenile justice fees increase recidivism. One study found that the higher the financial obligation, the more likely a youth was to reoffend.[1] This is not surprising given that some youth are not old enough to work, and those who are old enough may have unique difficulty finding employment.

FEEES AND COSTS EXACERBATE RACIAL AND ECONOMIC DISPARITIES.

Black and Brown youth are disproportionately arrested, detained, and placed in out-of-home facilities despite similar offending rates among youth of all races for most common juvenile offenses. A criminology study found that Black and Brown youth in Allegheny County, Pennsylvania were more likely to owe costs or fees after case closing, even controlling for a host of other demographics and case characteristics.[2] This outstanding debt pushes young people deeper into the system solely because they can't pay.

Collecting fees and costs is very costly for local governments, leading some to call it a "high pain, low gain" source of revenue. For example, prior to the repeal of most juvenile fees in California, UC-Berkeley Law's Policy Advocacy Clinic discovered Santa Clara County spent \$450,000 to collect less than \$400,000 from families of youth.[3] The state of Oregon likewise lost money collecting juvenile fines and fees--spending \$866,000 to collect \$864,000 from children and their families.[4] And Philadelphia stopped collecting certain juvenile justice fees after a report revealed the city had been paying a private contractor over \$320,000 a year to identify and pursue outstanding debt.[5]

THE CONSEQUENCES ARE EXTREME

When young people or their families cannot afford to pay fees and costs, they face serious consequences.

Defenders in Kansas have reported that their youth clients were put in placement or kept in placement longer for nonpayment, had their cases kept open longer only for payment, and missed school or work for payment-related court dates. Young people also face onerous debt and civil judgments leading to ruined credit, limiting their opportunities for years to come.

Young people cannot afford to pay these fees.

Teens and children have to go to school and have limited employment opportunities because of their age. Imposing fees on parents puts emotional and financial strain on families and undermines the rehabilitative goals of the juvenile justice system.

Alex R. Piquero & Wesley G. Jennings, Research Note, Justice System-Imposed Financial Penalties Increase the Likelihood of Recidivism in a Sample of Adolescent Offenders, 15 Youth Violence & Juv. Just. 325 (2016). [2] Id.

ALTERNATIVES THAT WORK

STATES AROUND THE COUNTRY ARE ALREADY MAKING THEIR JUVENILE SYSTEMS MORE FAIR.

STATE REFORMS

CALIFORNIA

SB 190 eliminated almost all juvenile court fees. Since then, more than 30 counties have wiped out existing juvenile justice system debt. (2018).

LOUISIANA

HB 216 eliminated all fees for children under 18 in both the juvenile and criminal justice systems. (2021, with unanimous support).

MARYLAND

HB 36 eliminated all juvenile fines and fees and made all previously imposed juvenile fees and fines unenforceable and uncollectible. (2020).

NEVADA

AB 439 eliminated most fines and fees in the juvenile justice system. (2019, with unanimous support).

NEW JERSEY

SB 48 eliminated juvenile fines and financial penalties. The legislation was implemented prior to its original effective date to account for the economic harms of the COVID-19 pandemic. (2019-2020).

NEW MEXICO

HB 183 eliminated many fines and fees in the juvenile system, including cost of confinement imposed on parents. (2021).

TEXAS

SB 41 eliminated many fees in the juvenile system, including fees for court-ordered treatment, out of home placements, diversion, and DNA testing. (2021).

VIRGINIA

HB 1912 repealed a law requiring parents to pay for the cost of confining their child in juvenile justice custody (2021).

WASHINGTON

The Year Act eliminated numerous juvenile diversion fees, court costs, appellate costs, adjudication fees, and certain fines. (2015).

[3] Berkeley Law Policy Advocacy Clinic, Making Families Pay: The Harmful, Unlawful, and Costly Practice of Charging Juvenile Administrative Fees in California 22 (2017). [4] Research on file with Berkeley Law Policy Advocacy Clinic. [5] Sela Cowger et al., Double Punishment: Philadelphia's Practice of Charging Parents for their Child's Incarceration Costs 16-17 (2017).

Juvenile Fines and Fees

2021 Statewide Listening Sessions

The justice system in Kansas imposes thousands of dollars in debt on youth and their families—debt that many Kansans can't afford to pay. The Kansas Debt Free Justice Coalition is fighting for the removal of all youth fines and fees as part of a national campaign to end debt-based systems of justice. As part of this work, the Kansas Debt Free Justice Coalition wanted to know: **what do Kansans know about the fines and fees crisis, and what do they think about reform?**

To begin to answer these questions, in November 2021 the Kansas Debt Free Justice Coalition sponsored virtual focus groups with Kansans from diverse demographic groups. Those groups were:

- Black, middle-class, community members
- Latino/Hispanic, urban community members
- White, rural community members
- Mixed-race/ethnicity, mixed-income community members in Shawnee County

Overall, the participants agreed:

youth fines and fees must end, and Kansans want [#DebtFreeJustice](#).

General Awareness and Opinions of Youth Fines and Fees

Most focus group participants were not aware of youth fines and fees in the Kansas court system, but those who were spoke about the exorbitant costs and financial burdens on families.

When presented with a list of fines and fees in a sample scenario, participants questioned the reasons behind the fees and had concerns with the variety of fees that can be imposed. Overall, participants resoundingly pushed back on funding our court system on the backs of young people.

What Kansans are Saying about Youth Fines and Fees

In discussing fines and fees, major themes emerged across the participants. There was much consensus in opposing fines and fees, and their reasoning often fell into one of three major objections: the (lack of) **purpose**, the extraordinary **cost**, and the devastating **consequences** fines and fees have on Kansas families and kids.

Here's an overview of their feedback in these three categories:

Purpose

Consistent themes in feedback:

- Across demographic groups, participants did not believe that these fines/fees prevent young people from committing future crimes.
- Participants discussed the need for restorative justice versus helping fund the Kansas court system on the backs of people who can least afford it.
- Participants repeatedly asked: What is the goal for these harsh consequences?

Quotes from participants:

“I don't think adding fees prevents young people from causing future crimes. Again, most of them don't even know these fees are coming, when they're doing what they're doing...I think this is a terrible way of preventing people from doing things like this in the future.”

“It can't be preventative because people don't know it until they're in the middle of it. And the other thing that they don't know is that the failure to pay these fines could ultimately end you up in jail.”

“I don't think consequences like this stop people from committing crimes.”

“I think there's a big difference between discipline and punishment. This doesn't look like discipline, this is definitely punishment. And the thing is with punishment - it never inspires somebody to not commit crimes. Because punishment is just meant to beat you down. Discipline is meant to get you together so you can get back up and keep moving.”

Cost

Consistent themes in feedback:

- The majority of participants felt the fines/fees are unfair and exorbitant.
- Some participants volunteered that the financial burden would impact the entire family.
- Participants unanimously expressed that these fines and fees would have a negative impact on a family's overall quality of life.

Quotes from participants:

“This is an opportunity to recover costs. It’s a cost center for the municipality, or the county, or whomever to cover budget because the legislature won’t. This is how we fund our courts on the backs of young people, poor people, and that’s absolutely unfair.”

“It’s easy to see how...young people and families get stuck in the system and how it really is a systemic problem...[W]e have whole families that have to carry the weight of this for the rest of their life.”

Consequences

Consistent themes in feedback:

- Some participants discussed the snowball effect of compounding issues due to this one incident (e.g., impact to credit scores, employment, possible jail time, family stress, financial distress).
- Some participants volunteered that the financial burden to pay these fees would impact the entire family.
- Participants unanimously expressed that these fines and fees would have a negative impact on the family's overall quality of life.

Quotes from participants:

“To me it’s quite clearly unjust because it would have such a drastically different effect on a lower income family than a higher income family. There are many families for whom that \$1,000 is just an irritation, but there are families who have a hard time coming up with 20 bucks. To come up with \$1,000 would be a tremendous hardship. It’s clearly unjust to me and I doubt that it would be much of a deterrent.”

“Our youth of color are already getting the messages that statistically they’re not going to go very far. Now, if they’re going to get caught in the system, it’s just going to make them feel even worse about it. [Fines and fees are] just tracking them to stay in the system, the pipeline to prison.”

WHAT YOU CAN DO

The Kansas Debt Free Justice Coalition wants to eliminate fines and fees for youth in the criminal legal system. Learn more at www.debtfreejusticeks.org.

What are other states doing?

□ 15 states have passed bills removing youth fees & fines.

See All

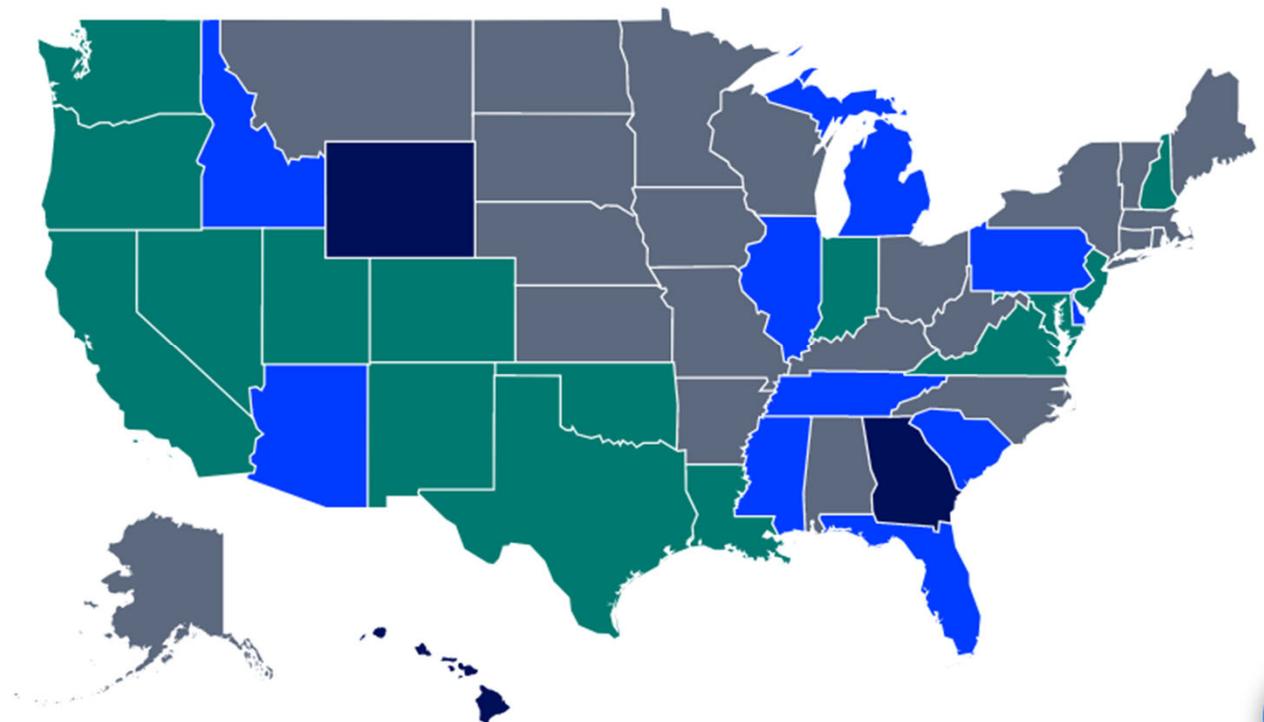
 Introduced Legislation

 Eliminated

 Local Action Taken

 Capped

 No Action Yet



What do other groups think?



Juvenile Law Center

@JuvLaw1975

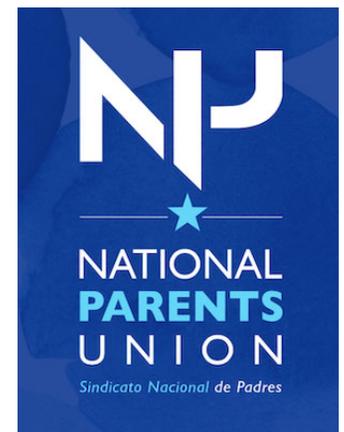
More Than 180 Organizations Sign On to Letter Urging Department of Justice to Reissue and Update Advisory to Eliminate Juvenile Fees and Fines [#debtfreejustice](#) [#garland](#)



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How will this bill hold young people accountable?

Judges have a lot of other options at their disposal! Some provisions of Kansas law provide judges with a wide array of options to meet the goals of the justice system, including, but not limited to:

- ❑ Community-based programming
- ❑ Community service
- ❑ Treatment programs
- ❑ Educational programs
- ❑ Mediation
- ❑ Drug evaluations
- ❑ Completing intervention programs in lieu of prosecution
 - (K.S.A. §§ 38-2301; 38-2346)

Fiscal Impact of Eliminating Juvenile Fines and Fees in Kansas

This document outlines the fiscal impact of eliminating fines and fees imposed in juvenile court. This common-sense approach would have minimal if any fiscal impact and would significantly improve outcomes for Kansas children and families.

A. Background: Eliminating Fines and Fees Promotes the Aims of the Kansas Juvenile Act

The Kansas Juvenile Act sets forth these key goals: “to promote public safety, hold juvenile offenders accountable for their behavior and improve their ability to live more productively and responsibly in the community.”¹ **Eliminating juvenile fines and fees will assist the state in meeting these goals.** Research shows that juvenile fees and fines are ineffective and counterproductive. Research shows fees and fines cause *increased* recidivism rates, as well as increased stress and disruption for families just when young people need the most support.² It is not surprising, then, that both law enforcement and judicial organizations recommend eliminating all fees and fines in juvenile court.³

In contrast, other provisions of Kansas law provide judges with a wide array of options to meet the goals of the justice system, including, but not limited to, community-based programming, community service, treatment programs, educational programs, mediation, drug evaluations, and even completing intervention programs in lieu of prosecution.⁴

B. Fiscal Impact: Juvenile fees and fines in Kansas provide negligible revenue to the state and counties, while doing substantial harm to children and families.

Over the past six months, our coalition has worked directly with the Office of Judicial Administration to collect all known fiscal data on Kansas juvenile fees and fines. This comprehensive court data shows that Kansas revenue from juvenile fees and fines is relatively low and declining each year—most recently reaching just under \$540,000 in 2020. This does not account for the cost of collections, or the costs caused by increased recidivism rates.

1. The revenue from juvenile fees and fines is low.

In Kansas, **total reported court revenue from juvenile fees and fines** was \$605,091.16 in 2019

¹ K.S.A. § 8-2301.

² Alex R. Piquero & Wesley G. Jennings, “Justice System–Imposed Financial Penalties Increase the Likelihood of Recidivism in a Sample of Adolescent Offenders,” 15 YOUTH VIOL. & JUV. JUST. 325 (2016); ALABAMA APPLESEED, UNDER PRESSURE: HOW FINES AND FEES HURT PEOPLE, UNDERMINE PUBLIC SAFETY, AND DRIVE ALABAMA’S RACIAL WEALTH DIVIDE (2018), <https://www.alabamaappleseed.org/wp-content/uploads/2018/10/AA1240-FinesandFees-10-10-FINAL.pdf>.

³ Law Enforcement Leaders to Reduce Crime and Incarceration, Juvenile Justice Reform Principals (Apr. 2021), http://lawenforcementleaders.org/wp-content/uploads/2021/04/2021.4.27_LEL-Juvenile-Justice-Reform-Brief.pdf; National Council of Juvenile and Family Court Judges, Resolution Addressing Fines, Fees, and Costs in Juvenile Courts (2018), <https://www.ncjfcj.org/wp-content/uploads/2019/08/resolution-addressing-fines-fees-and-costs-in-juvenile-courts.pdf>.

⁴ K.S.A. §§ 38-2301; 38-2346.

and \$539,228.45 in 2020.⁵ This figure has steadily decreased by almost 50% since 2016 and will likely continue to do so.⁶ In 2020, 18 judicial district courts did not report any revenue collected from juvenile fees and fines. In addition, fees and fines were not collected evenly across judicial districts: some fees were collected in only a single district court while others were collected in 80 or more out of 110.⁷ This aligns with data from other states: for example, Louisiana reported a fiscal impact of less than \$500,000 when it eliminated all juvenile fees and fines in 2021.⁸

In 2020, the most recent full year for which data is available, the **largest reported revenue categories for juvenile fees and fines** were the attorney fee county reimbursement (\$138,633.46); clerk fee (state) (\$36,636.00); juvenile supervision fee (felony and misdemeanor) (\$32,636.38); JBS (judicial branch surcharge) (\$32,093.39); juvenile fines (\$26,999.91); and Kansas Bureau of Investigation lab fee (\$24,724.96). All other categories totaled less than \$10,000 annually in all reporting counties combined.⁹

2. The cost of collecting juvenile fees and fines is high.

a. Recidivism costs

Fees and fines come with the long-term cost of increased recidivism. A 2016 criminology study of more than 1000 cases found that youth who owed costs and fees had higher recidivism rates than those who did not, even when controlling for age, race, gender, and type of offense—and the more they owed, the larger the increase.¹⁰ A 2018 study also found that court costs and fees drive people to commit further offenses to gain money and pay off this debt.¹¹

b. Administrative costs

According to the Office of Judicial Administration, Kansas courts do not track the cost of collecting fees and fines in a centralized manner. In states that have tracked this information, **the cost of collections can outweigh any revenue from juvenile fees and fines.** For example, Oregon spent \$866,000 in 2019 to collect only \$864,000 in youth custody fees, and Colorado spent 75 cents for every dollar it collected in juvenile fees.¹² Untracked costs in Kansas are likely

⁵ Victim restitution is not included in these numbers because it is not affected by reforms proposed by the Debt Free Justice Kansas campaign. This data was provided by the Kansas Office of Judicial Administration. Of the 110 judicial district courts, between 92 and 99 reported collecting any fees and fines each year between 2016 and 2021.

⁶ The available 2021 data continues this trend.

⁷ Johnson County uses a different data-tracking system and its fine-and-fee categories do not match up to those in other courts. In addition, it is not clear whether any non-court entities track juvenile fees and fines.

⁸ Louisiana Legislative Fiscal Office, Fiscal Note: HB 556 (May 18, 2020), <https://legiscan.com/LA/supplement/HB556/id/122106>.

⁹ Johnson County is not included in this analysis because it uses different categories to track fees and fines.

¹⁰ Alex R. Piquero & Wesley G. Jennings, “Justice System–Imposed Financial Penalties Increase the Likelihood of Recidivism in a Sample of Adolescent Offenders,” 15 YOUTH VIOL. & JUV. JUST. 325 (2016).

¹¹ ALABAMA APPLESEED, UNDER PRESSURE: HOW FINES AND FEES HURT PEOPLE, UNDERMINE PUBLIC SAFETY, AND DRIVE ALABAMA’S RACIAL WEALTH DIVIDE (2018), <https://www.alabamaappleseed.org/wp-content/uploads/2018/10/AA1240-FinesandFees-10-10-FINAL.pdf>.

¹² Data on file with the Debt Free Justice campaign; see also JEFFREY SELBIN ET AL., HIGH PAIN, NO GAIN: HOW JUVENILE ADMINISTRATIVE FEES HARM LOW-INCOME FAMILIES IN ALAMEDA COUNTY, CALIFORNIA (2016), https://lawcat.berkeley.edu/record/1127714/files/High_Pain_No_Gain.pdf.

to include:

- Judge, attorney, bailiff, stenographer, clerk, and other court staff time for court dates when cases are extended solely for payment of fees and fines
- Probation officer staff time when probation is extended solely for payment of fees and fines
- Cost of executing an arrest warrant, including police officer time and paperwork (plus cost to public safety of focusing on these types of warrants)
- Cost of placement or detention for nonpayment
- Administrative staff time to track and collect juvenile fees and fines
- Hiring private collections agencies to conduct collections
- Impact on economy of imposing civil judgments, which give youth less access to apartment rentals, jobs, and student loans and may result in greater reliance on state assistance

3. Collecting juvenile fees and fines is inefficient.

Available court data does not allow for accurately calculating the collection rate for the state or the amount of time invested in attempting to collect fees and fines. Between 37 and 40 of Kansas' judicial districts per year do not track outstanding debt in any way.¹³ In fact, many counties reported collections, but no outstanding amounts due, for the same category of fees and fines.¹⁴ Moreover, the courts do not link collections amounts or amounts due to the year a fee or fine was imposed or otherwise track amounts imposed versus collected. This suggests that **a significant portion of the collected fees and fines may have been imposed years before they ever reach court coffers**, with costs of collection extending over a long period of time.

¹³ Data courtesy of the Kansas Office of Judicial Administration.

¹⁴ *Id.*

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 THE WICHITA BEACON

Good morning, reader!

In today's newsletter: Out of detention, into debt

Young people released from detention are haunted by justice-related fines and fees. That debt can increase the likelihood of reoffending.

WATCHDOG



NyKia Watkins has been paying court-related fines and fees since she was 15. (Fernando Salazar/The Beacon)

Fines and fees bury young people in Kansas' justice system



By Stefania Ludli, Watchdog Reporter

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The moment a case is filed in juvenile court, the dollars owed rack up.

There's a \$34 [docket fee](#). Sedgwick County can tack on a law [library fee](#) up to \$14. Kansas does appoint an attorney for free, but for any following casework the attorney can charge a [“reasonable fee,”](#) a number not specified in state law.

NyKia Watkins said she paid over \$1,500 in court fines and [restitution](#) while incarcerated at the Juvenile Correctional Complex in Topeka. She was 15.

Both her parents died while she was incarcerated. Still a minor, she was eligible to receive her mother's Social Security survivors benefits.

The Kansas Department of Corrections took that money to pay for Watkins' incarceration.

“If we're including all the money they took from my mom's security,” Watkins said, “they probably took over \$20,000 from me.”

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Watkins, now 20 and under house arrest in Wichita, said she pays about \$135 a month for her GPS ankle monitor.

“I also pay for (urinalysis) fees,” Watkins said. “You got to go in there, pee in front of your probation officer, then you pay the \$13.”

An [assessment](#) from the [National Juvenile Defender Center](#) found that “several stakeholders reported that youth and families are charged \$400 for each urinalysis or other drug screening,” and that [Kansas law](#) allows for such a charge on laboratory services.

Dante Bristow, 22, pays a private company \$42 a week for his ankle monitor. He said a juvenile court categorized him as a flight risk.

The authorities “felt like I was gonna run back to Ohio,” he said. He lived in that state for about a year and half but now lives in Wichita. “They sent Kansas sheriffs to get me. Flew me on a private jet that I had to pay for. It was scary — I was in shackles and everything.”



Dante Bristow is passionate about reforming the juvenile justice system and addressing the court

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Nichole Lee is a campaign manager with [Progeny](#), a Wichita-based juvenile justice advocacy group, where Watkins and Bristow are both youth leaders. She said there is no cap on the amount of fees youths can be charged in Kansas.

“Families can be [charged](#) for child support if their child is in custody,” she said. “We also have a few youth leaders that now have GPS monitoring bracelets. They pay for those, their own drug testing and their own counseling.”

Kansas is [one of five](#) states with laws that allow juvenile courts to charge young people for confinement, counsel, court, evaluation, expungement, fines, probation and restitution.

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Fees in Kansas Juvenile Courts



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Source: Juvenile Law Center, Kansas statute

Graphic: Stefania Lugli/The Beacon

Research suggests the judicial financial burden on young people increases the likelihood of them reoffending as well as **reaffirms** racial and economic inequalities. These fees can perpetuate youths into increasing their debt and exerting additional costs on the system.

Courts regularly contract with private agencies to collect outstanding debt from young people involved in juvenile court. Kansas allows the agencies to tack up to 33% onto the amount due.

A court-ordered drug and alcohol evaluation can cost **at least** \$150.

Judge Patrick Walters, who presides over Division 14 of the 18th Judicial District Court in Sedgwick County, said drug testing and the fees for it during probation are decided postconviction. He said the costs are dependent on a person's level of probation.

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A court service officer interviews youths prior to determining probation. There are four levels of probation for young people in the juvenile court system for Sedgwick County.

- *Level 1: youth not required to report to court service officer*
- *Level 2: considered low risk for reoffending, reports once a month to the officer*
- *Level 3: determined a moderate reoffend risk, must report twice a month*
- *Level 4: evaluated high risk for reoffending, reports to officer once a week*

The court service officers monitor a young person in their community, assessing at-home behavior and fulfillment of education or employment. They also mandate random urinalysis. Fees increase the more often a person has to report to their officer and the more drug analysis exams they must complete.

For a detailed look at the juvenile court process, [here's](#) a graph from the county.

Before young people are sentenced, they are interviewed during an investigation and scored for risk assessment, and that helps determine parole or probation requirements, Walters said.

He also said the county doesn't incarcerate youths for missed payments or consider it a probation violation.

"We don't put them in jail for nonpayment of costs and fees," Walters said.

What could happen if a payment is missed?

In 2016, Kansas [repealed](#) a law deeming young people ineligible for early release from probation if related fees were unpaid. Nonpayment no longer prevents the end of probation, but Bristow said he's been threatened with incarceration if he doesn't pay promptly.

"They threaten to lock me up all the time," he said. "Even if I get a week behind."

Watkins currently pays for both a juvenile and adult probation officer — one from a criminal case when she was younger and the other from a case where she was tried as an adult. She pays for both of their supervision services and double the urinalysis.

"I owe about \$630 on the adult side of things," she said. "Juvenile side..."

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Lee said organizations like Progeny can help with these costs.

“If that means we have to help pay for a monitor this week, that’s what we do,” she said.

Bristow said he prays every day for future financial relief. “That’s all I can do. (The system) has my life in their hands.”



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