

December 12, 2025

VIA EMAIL

To:

Miami-Dade State Attorney Katherine Fernandez Rundle,
KatherineFernandezRundle@miamisao.com

Cc:

Office of the Director, Florida Highway Patrol, FHP@flhsmv.gov
Miami-Dade Sheriff's Office, Office of the Director, jllewis@mdso.com

Re: Request to drop charges against photojournalist Dave Decker (Case # B25026042)

Dear Miami-Dade State Attorney Fernandez Rundle,

We write on behalf of the undersigned media, press freedom and First Amendment organizations to urge you to drop all charges against journalist Dave Decker arising from his arrest on November 22, 2025, while covering protests outside the U.S. Immigration and Customs Enforcement's Krome North Service Processing Center in Miami. Decker's case is currently set for arraignment on December 16, 2025.

An experienced photojournalist, Decker was working on assignment for not one but *three* different newsrooms. Along with his professional equipment, he was further recognizable due to his National Press Photographers Association identification card. According to Decker and contemporaneous reports, he verbally identified himself to officers and complied with law enforcement instructions to remain on the side of the road. Law enforcement clearly understood his role was distinct from protesters because they physically separated him from protesters during the arrest process.

We strongly condemn the subsequent actions of law enforcement on the scene, which included zip-tying a working journalist, detaining him for hours, and impounding his vehicle and equipment. Any effort to pursue charges would be outrageous, which is why organizations both locally and nationally are watching this case closely.

Trials of journalists arrested while gathering news are exceedingly rare in the United States, and create unnecessary expenses for local taxpayers. Decker's case, if it goes forward, could lead to only the tenth jury trial in the United States in the history of the non-partisan [U.S. Press Freedom Tracker](#), which maintains data on press freedom violations across the country. The most recent case saw a Kentucky jury throw out all charges except a single count of failure to disperse – [resulting in a \\$50 fine](#). While even this penalty was inappropriate, prosecutors at least seemed to realize the waste and harm being done, quickly [dropping all charges](#) filed against a second journalist from the same incident.

A rare 2021 jury trial of a journalist arrested while gathering news in Iowa ended in acquittal after less than two hours of deliberation and made [national headlines](#). Other cases of journalists facing reporting-related charges did not make it to trial because charges were dismissed beforehand. These cases often result in civil [lawsuits](#) and [monetary settlements](#).

Last year the City of New York paid a monetary [settlement](#) and agreed to stop arresting journalists while they were covering protests — even after dispersal orders were issued — to resolve litigation with photojournalists arrested during the unrest of 2020. There are various other [examples](#) of civil [liability](#) for improper arrests of journalists. Failure to promptly correct errors by dropping charges only increases that liability.

On the other hand, authorities in cities including [Atlanta](#), [Phoenix](#), [Los Angeles](#), [Chicago](#), [Albuquerque](#), [Gary, Indiana](#), and other jurisdictions have recognized that pursuing cases against journalists arrested for First Amendment protected newsgathering is an unwise use of prosecutorial discretion while dismissing charges against journalists allows your office to focus on real crimes.

As Los Angeles’s City Attorney [explained](#) following his 2021 dismissal of charges against journalists and protesters, free speech is “fundamental to our democracy,” and those arrested “did not threaten public safety and it would not be in the interest of justice to prosecute them.” The conduct of Decker appears no different from that of the reporters involved in these rightly dismissed cases.

Protests and the police response to them are highly newsworthy matters of public concern. Arresting journalists attempting to cover this news deprives the public of the information it needs to understand and assess the actions of protestors and police and to hold the government accountable. These prosecutions make journalists less likely to cover these newsworthy events in the future, for fear that it may cost them their freedom.

That is why courts have held that the First Amendment protects both journalists covering protests and the right of journalists and the public to record police in public during the performance of their duties. The Sixth Circuit Court of Appeals has “long and clearly held that newsgathering ‘qualif[ies] for First Amendment protection.’”¹ Eight [federal courts of appeals](#) have explicitly held that the First Amendment protected right to record police is “clearly established,” including the Eleventh Circuit Court of Appeals with jurisdiction over Florida. See *Smith v. City of Cummings*, 212 F.3d 1332 (11th Cir. 2000).

We understand the charge sheet alleges “trespassing after warning.” But as [the U.S. Department of Justice](#) and the [Ninth Circuit Court of Appeals](#) have made clear, journalists are entitled to remain on the scene and continue reporting even after police have dispersed protesters, because how police respond to protests is as newsworthy as the protests themselves.

¹ *Enoch v. Hogan*, 728 F. App’x 448, 456 (6th Cir. 2018) (quoting *Boddie v. Amer. Broad. Cos.*, 881 F.2d 267, 271 (6th Cir. 1989)).

In fact, [guidance recently issued by the DOJ](#) following a convening of police leaders and journalists, spearheaded by the Police Executive Research Forum and the Reporters Committee for Freedom of the Press explains that, even in circumstances where officers disperse protesters who break the law, they may not also disperse journalists or arrest them for not following orders to disperse.

The continued prosecution of Decker sends a chilling message to the press and public. It's also a misuse of taxpayers' funds. There is no public benefit to prosecuting journalists who are not accused of causing any harm.

As protests continue around the country, the decision by your office to pursue or decline to prosecute the charges against Decker is vitally important. If the public is to be informed, journalists must know that they will be able to do their jobs and cover these events without risking arrest and prosecution.

In the interest of justice, we urge you to decline to prosecute and dismiss all charges against Decker and ensure that, in the event any other journalists are wrongly arrested at protests, your office promptly does the same. In addition, we respectfully request to meet with you to discuss both these cases and the need for journalists to be able to freely and safely perform their constitutionally protected duties.

Thank you for your time and we look forward to hearing back from you.

Sincerely,

Association of Foreign Press Correspondents
Coalition For Women In Journalism
Committee to Protect Journalists (CPJ)
First Amendment Foundation
Florida Press Association
Florida Society of News Editors
Freedom of the Press Foundation
Investigative Reporters and Editors (IRE)
The Media and Democracy Project
Miami Herald
National Press Photographers Association
National Writers Union

el Nuevo Herald
Orlando Sentinel
PEN America
Radio Television Digital News Association
Reporters Without Borders (RSF)
Society of Environmental Journalists
Society of Professional Journalists
South Florida Sun Sentinel
Tampa Bay Times
WLRN, *NPR member station in South Florida*
Women Press Freedom