

FIRST ENDORSEMENT

Chief Prosecutor Andre Applewhite, Civilian Complaint Review Board, to Deputy Commissioner Tarek A. Rahman, Department Advocate's Office, March 26, 2025. Contents noted. Recommend approval of the negotiated plea agreement in DADS No. 2022-25866 against Police Officer Joseph Desena, Tax Registry No. 922248. The case was conferenced on March 11, 2025, before Assistant Deputy Commissioner of Trials Paul M. Gamble, Sr. who approved the negotiated penalty of Command Discipline Schedule B and a forfeiture of Ten(10) vacation days, after Police Officer Desena accepted the findings and substantiation of the allegations contained in the Charges and Specifications dated April 27, 2022, and as amended on January 16, 2025. Charges and Specifications are dismissed for plea purposes.

Andre D. Applewhite

Andre Applewhite

Chief Prosecutor

New York City Civilian Complaint Review Board



DISPOSITION OF CHARGES

PD 468-142 (Rev. 8-89)-2

CASE NO. C-031922
BOOK & PAGE NO. Page 1 of 1
PERSONNEL ORDER NO.

RANK/TITLE PO	SURNAME, DESENA	FIRST JOSEPH	M.I.	COMMAND 061
SHIELD NO. 31330	TAX REGISTRY NO. 922248	SOCIAL SECURITY NO.	DATE APPOINTED 08/31/1998	
RANK/NAME OF COMPLAINANT			COMMAND	
DATE OF CHARGES	DATE TRIAL COMMENCED		DATE TRIAL CONCLUDED	

TRIAL COMMISSIONER

SPECIFICATION	DISPOSITION	RECOMMENDED PENALTY PLEA [X] TRIAL []
1. Police Officer Joseph DESENA, on or about November 18, 2020, at approximately 1713, while assigned to 061 PCT and on duty, in the vicinity of 61st Precinct stationhouse, Kings County, wrongfully used force, in that he forcefully held § 87(2)(b) head on the ground without police necessity.	DISMISSED	B - COMMAND DISCIPLINE 1.00 - It is recommended that the Charges and Specifications be dismissed and that the matter be remanded to the Respondents command for imposition of a Schedule B Command Discipline with the forfeiture of the amount of vacation days as indicated.
2. Police Officer Joseph DESENA, on or about November 18, 2020, at approximately 1713, while assigned to 061 PCT and on duty, in the vicinity of 61st Precinct stationhouse, Kings County, wrongfully used force, in that he restricted § 87(2)(b) breathing without police necessity.	DISMISSED	VACATION DAYS 10.00 - It is recommended that the Respondent forfeit the amount of vacation days as indicated.



 FIRST DEPUTY COMMISSIONER

07/01/25

 DATE

POLICE COMMISSIONER'S APPROVAL

- Approved
- Disapproved
- Other Action (Describe)



 POLICE COMMISSIONER

8/14/25

 DATE



POLICE DEPARTMENT

August 8, 2025

Jonathan Darche
Executive Director
New York City Civilian Complaint Review Board
100 Church Street, 10th floor
New York, NY 10007

Re: CCRB Case No. 202007888 (Incident Date: November 18, 2020) involving Police Officer Joseph Desena, Tax No. 922248 (DADS Case No. 2022-25866 / PODS Case No. C-031922)

Dear Mr. Darche:

The Police Commissioner has reviewed the recommendation of the Civilian Complaint Review Board (CCRB) regarding the disciplinary matter involving Police Officer Joseph Desena and determined that no disciplinary action is warranted regarding the alleged use of force.

In this case, an individual under arrest was hitting his head on a stationhouse desk while he was being processed. Officers guided him down to the floor where he then began banging his head on the floor. Officer Desena came and helped stop the individual from injuring himself by holding his head down while waiting for Emergency Medical Services to arrive. There was a brief moment when Officer Desena's hand was near the individual's neck due to the individual moving around. The CCRB initially substantiated allegations of using a chokehold and wrongfully using force by restricting the individual's breathing, against Officer Desena. The chokehold allegation was subsequently amended to an allegation of wrongfully holding the individual's head down to the floor. Upon review of the evidence, and considering the totality of the circumstances, the Police Commissioner determined that Officer Desena's actions were proper and in accordance with law and policy.

Thus, the Police Commissioner intends to dismiss the charges and specifications in this matter and impose no disciplinary action for the alleged misconduct.

Sincerely,

[Handwritten signature]
For Michael P. Baker
Assistant Chief
Commanding Officer
Police Commissioner's Office

cc: Stuart London, Esq.



ERIC L. ADAMS
MAYOR

CIVILIAN COMPLAINT REVIEW BOARD
100 CHURCH STREET 10th FLOOR
NEW YORK, NEW YORK 10007 ♦ TELEPHONE (212) 912-7235
www.nyc.gov/ccrb



Dr. MOHAMMAD KHALID
INTERIM CHAIR

August 14, 2025

The Honorable Jessica S. Tisch
Police Commissioner
New York City Police Department
One Police Plaza
New York, NY 10038

Re: CCRB Case No. 202007888 (Incident Date: November 18, 2020) involving Police Officer Joseph Desena, Tax No. 922248 (DADS Case No. 2022-25866 / PODS Case No. C-031922)

Commissioner Tisch:

I am writing in response to the letter from Assistant Chief Commanding Officer Michael P. Baker, dated August 8, 2025, informing the Civilian Complaint Review Board (hereinafter referred to as “CCRB”) of your intent to dismiss the Charges and Specifications in this matter and impose no disciplinary action against Police Officer (PO) Joseph Desena. Pursuant to Paragraph 6 of the April 2, 2012, Memorandum of Understanding between CCRB and the New York City Police Department (hereinafter referred to as the “MOU”), I am responding to Assistant Chief Commanding Officer Baker’s notification.

Assistant Chief Commanding Officer Baker stated that in this case an individual (the Complaining Witness § 87(2)(b)) was under arrest and hitting his head on a stationhouse desk while he was being processed. Officers guided him down to the floor where he then began banging his head on the floor. PO Desena came and helped stop the individual from injuring himself by holding his head down while waiting for Emergency Medical Services to arrive. There was a brief moment when PO Desena's hand was near the individual's neck due to the individual moving around.

Assistant Chief Commanding Officer Baker further stated that upon review of the evidence, and considering the totality of the circumstances, the Police Commissioner determined that PO Desena’s actions were proper and in accordance with law and policy. CCRB disagrees with your recommendation.

All of the BWC footage in this case provide, by a preponderance of the evidence, that PO Desena did apply pressure to the front of § 87(2)(b) neck and restrict his breathing. The footage appeared to depict PO Desena’s hand touching § 87(2)(b) throat, after which § 87(2)(b) stopped yelling for a few seconds. After PO Desena removed his hand, § 87(2)(b) audibly gasped and yelled about being choked, all of which made it most likely that PO Desena’s hand was, in fact, pressing

against § 87(2)(b) neck.

As per Patrol Guide Procedure 221-01, police officers are prohibited from using chokeholds. A chokehold shall include, but is not limited to, any pressure to the throat or windpipe which may prevent or hinder breathing or reduce intake of air. As such, the pressure applied to § 87(2)(b) neck and throat area by PO Desena, which hindered § 87(2)(b) breathing, was categorically prohibited by the Patrol Guide, even if used unintentionally while taking legitimate law enforcement action.

Based upon the foregoing and in the interest of justice, CCRB asks that the Police Commissioner accept ADCT Gamble's endorsement of said negotiated plea in the herein matter of a Schedule B Command Discipline and forfeiture of ten (10) vacation days.

Respectfully submitted,

Andre D. Applewhite

Andre Applewhite
Chief Prosecutor
NYC Civilian Complaint Review Board

Cc: Stuart London, Esq.