

NYPD Officer Gets 90 Day License Suspension For Fatal West Side Highway Crash

BY [EMMA WHITFORD](#) IN [NEWS](#) ON MAY 15, 2017 4:18 PM



The Kovals brought family photographs to Oquendo's DMV hearing. (Emma Whitford / Gothamist)

The driver who [struck and killed](#) 22-year-old Jack Koval while he crossed the West Side Highway last July has been [issued a 90-day license suspension](#) in New York, according to the Department of Motor Vehicles.

Steven Oquendo, a 27-year-old police officer in Manhattan, had just gotten off work when the crash occurred last July 31st. According to police, Oquendo had the right-of-way when he struck Koval, who was crossing 12th Avenue at 46th Street against the light. He was not charged in the crash. But a DMV judge found grounds for a suspension this month after [questioning Oquendo](#) during a mandatory administrative hearing.

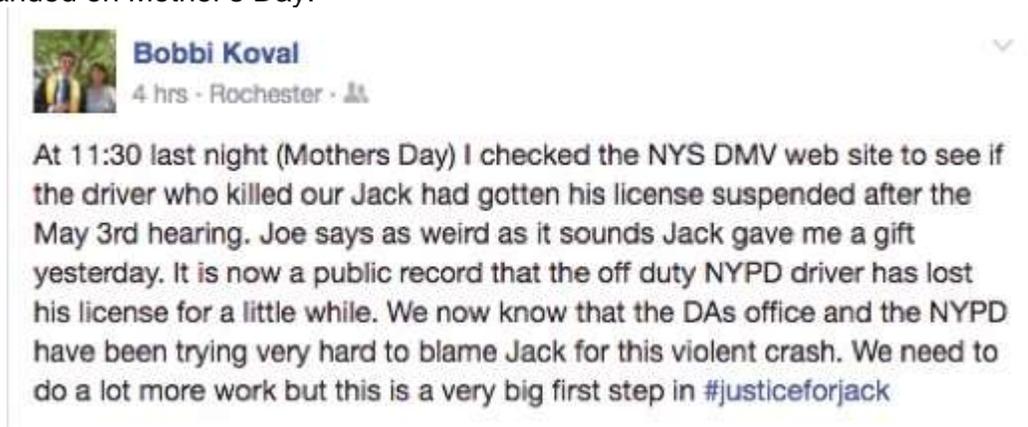
At the May hearing, Judge Marc Berger heard new witness testimony alleging that Oquendo was driving erratically when he struck and killed Koval. According to the witness, an Uber passenger, Oquendo accelerated quickly after the light changed at 46th Street and "suddenly changed lanes" before impact.

Berger did not have the Collision Investigation Squad report for Koval's case, a file that details the entire NYPD investigation, including witness testimony. The Kovals' attorney did his own legwork to track down the witness.

"I think it's super important that the judge saw that it was very possible that this driver was not obeying the law," Bobbi Koval, Jack's mother, told Gothamist Monday. "There are definitely some question marks in my mind. It's the first time we've gotten the idea, being told for nine months that it was Jack's fault, that it really probably wasn't."

Jack, who graduated from Emory University last spring, moved to New York City shortly after July 4th, 2016 to start a job as an analyst at Centerview Partners, a financial advisory firm. He was killed later that month. A [preliminary police report](#) included a false account of the circumstances: he did not, as was [originally reported](#), jump a divider and step into oncoming traffic before he was killed.

Koval posted on Facebook today, after confirming Oquendo's suspension, noting that the news landed on Mother's Day.



(Screenshot via Facebook)

DMV hearings, which are mandatory following any fatal crash, are held to determine whether a driver demonstrated "gross negligence" and acted "in a manner showing a reckless disregard for life or property of others," possibly meriting a license suspension or revocation. Advocates fought for DMV hearings to be more effective in 2014, after an administrative judge [dismissed two traffic tickets](#) incurred by the driver who [struck and killed 3-year-old Allison Liao](#) in a hearing that lasted less than a minute. In the years since, advocates say the hearings have given some victims' families a degree of closure, particularly considering that criminal charges against drivers are rare.

Attorney Daniel Flanzig, who is representing the Kovals, said that even license suspensions are not common.

"Obviously we'd rather see something more severe, but sanctions seem to be so rare we're happy to see they did it," he told Gothamist. "I've probably attended fifteen to twenty of these hearings. This one, and [the estate of] Matt Brenner are the two where there has been a revocation or suspension of a license."

Last August, Flanzig [represented the estate of Matthew Brenner](#), a cyclist who was struck and killed by driver Caitlin Venedam in July 2014. Venedam was not charged in the crash, but evidence presented in the DMV hearing compelled a judge to revoke her license. Flanzig presented evidence that Venedam had been distracted at the wheel, looking at a GPS map on her phone. "Cops didn't have any of that," Flanzig said.

The Kovals plan to bring civil charges against Oquendo, and Flanzig said that the administrative DMV decision could strengthen their civil case. The DMV did not immediately provide the full decision on Oquendo's case, which includes information about any violations of the vehicle traffic law. "Any of those would be binding in a civil action," Flanzig said.

Oquendo testified during his DMV hearing that he changed lanes just before the crash in order to avoid striking a black SUV in front of him. He also denied allegations that he was speeding when he struck Koval.

"My condolences to your family and I'm sorry for your loss," Oquendo told the Kovals earlier this month. "I can't imagine what you guys are going through. I wish it never happened. I think about it every day. And, um, it's just an accident. I'm sorry that it happened. I really am. I wish it didn't."