



U.S. Department of Justice

Office of Tribal Justice

Room 2318, RFK Main Justice Building
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530-0001

(202) 514-8812
OTJ@usdoj.gov

June 20, 2025

Dear Tribal Leader:

We are pleased to invite you to a government-to-government consultation with the Department of Justice regarding implementation of the Homicide Victims' Families' Rights Act of 2021 (HVFRA).

The HVFRA provides a system for the review of case files, and for carrying out further investigation as warranted, in cases investigated as murders by federal law enforcement agencies that have gone unsolved for more than three years. The covered cases include unsolved murders committed in Indian country. The Attorney General has published a proposed rule in the Federal Register to implement the HVFRA. See 90 Fed. Reg. 6879 (Jan. 21, 2025). We are seeking Tribal input to help ensure that the proposed rule can be finalized in a manner that achieves most effectively the HVFRA's objective of solving federal cold case murders and providing closure for victims' families. Please see the attached framing paper for more information about the subject of this consultation.

Please note that the Tribal consultation will be closed to the press to protect confidential information that may be discussed during the consultation. The consultation discussions will be held virtually on July 28 and 30, 2025, at 3pm Eastern.

If you are interested in attending, please respond to OTJ@usdoj.gov by 5pm Eastern on July 25 and include the name(s), Tribal affiliation, and email addresses of your representatives. We welcome written comments until September 19, 2025. Please submit comments by email to OTJ@usdoj.gov, or by mail to Office of Tribal Justice, U.S. Department of Justice, 950 Pennsylvania Ave., NW, Washington, DC 20530-0001.

If you have questions or need any accommodations for the sessions, please contact the Office of Tribal Justice at (202) 514-8812 or OTJ@usdoj.gov. We hope you will be able to participate in this important government-to-government consultation and look forward to working with you.

Sincerely,

A handwritten signature in cursive script that reads "Gina L. Allery".

Gina L. Allery
Director

U.S. Department of Justice Consultation on Implementation of the Homicide Victims' Families' Rights Act

Framing Paper

The Department of Justice is committed to addressing the crisis of missing or murdered indigenous persons. The objectives of the Homicide Victims' Families' Rights Act of 2021 (HVFRA), Public Law 117-164, include helping to solve murders committed in Indian country. On January 21, the Department of Justice published a proposed rule in the Federal Register to implement the HVFRA. *See Homicide Victims' Families' Rights Act*, 90 Fed. Reg. 6879 (Jan. 21, 2025).

The HVFRA provides a system for the review of case files, and for carrying out further investigation as warranted, in cases investigated as murders by federal law enforcement agencies that have gone unsolved for over three years. The general objective of the HVFRA is to facilitate the identification of the perpetrators of these "cold case" murders and thereby help to bring the perpetrators to justice and provide closure for the victims' families. Because of the federal government's jurisdiction over murders in Indian country, the HVFRA will help to address the crisis of missing or murdered indigenous persons, and may lead to the solution of murders which are currently unsolved.

The proposed implementing rule issued by the Department of Justice explains the requirements and procedures of the HVFRA and aims to realize its objectives as effectively as possible.

Questions for Discussion

In this consultation, we seek your input on the proposed rule to implement the HVFRA. Below, we offer some specific questions for consideration in advance of our consultation sessions. These questions are not intended to limit feedback; the Department of Justice welcomes broader input on the matters addressed in the proposed rule. The information and views you provide will be considered in developing the final version of the rule.

Section 95.2 of the Proposed Rule – Murders Subject to the HVFRA

The definitional provisions of the proposed rule make it clear that cases subject to the HVFRA include murders occurring in Indian country – that is, cases investigated pursuant to the federal government's jurisdiction and investigative responsibility for crimes in violation of 18 U.S.C 1111, as made applicable in Indian country by 18 U.S.C. 1152 and 1153.

- Do you have any thoughts or views regarding this part of the rule?

Section 95.2 of the Proposed Rule – Eligible Persons Under the HVFRA

With respect to cold case murders, the HVFRA requires the responsible investigative agency to carry out a case file review upon application by an immediate family member of the murder victim, which is defined to mean a parent or parent-in-law, grandparent or grandparent-in-law, sibling, spouse, child or step-child. The proposed rule specifies that step-parents as well can apply, exercising authority the HVFRA gives the Attorney General to designate additional people who are similarly situated to an immediate family member.

- Are there cultural or social considerations in Tribal communities that we should be mindful of in finalizing the definition of persons who are eligible to apply for HVFRA case file reviews? Are there persons, not presently covered by the proposed rule, who you believe should be included as similarly situated to an immediate family member?

Sections 95.3-.4, 95.8 of the Proposed Rule – Case File Reviews

The proposed rule explains in detail the HVFRA's requirements for carrying out case file reviews upon application by an eligible person. These requirements include:

- (i) analyzing whether any investigative steps were missed in the initial investigation,
 - (ii) assessing whether witnesses should be interviewed or reinterviewed,
 - (iii) examining whether all appropriate forensic testing was performed or if additional testing might produce relevant information, and
 - (iv) considering whether additional or potentially more effective investigative measures would have been taken had current investigative standards been in effect – for example, the standards under Executive Orders 14053 and 13898 that enhance and prioritize the investigation of cases involving missing or murdered indigenous persons, where the initial investigation preceded the establishment of those standards.
- Do you believe that the explanation of the case file review requirements in the proposed rule is adequate, or are there additional matters that should be addressed in this part of the rule?

Section 95.5 of the Proposed Rule – Full Reinvestigations

At the conclusion of the case file review, the proposed rule explains that the investigative agency will conduct a full reinvestigation of the cold case murder if it concludes that there is a sufficient likelihood of enabling the identification of the perpetrator to warrant further investigation. A full reinvestigation would include analyzing all evidence regarding the murder in furtherance of identifying the perpetrator. The information considered in deciding whether to conduct a full reinvestigation, and in carrying out a full reinvestigation, would include, in addition to the

information disclosed in the case file review, any additional information that the applicant for case file review provides or that the agency secures from other sources.

- Do you believe that the proposed rule's treatment of reinvestigations is adequate, or are there additional matters that should be addressed?

Sections 95.7, 95.9 of the Proposed Rule – Rights of Applicants

The proposed rule explains the rights the HVFRA provides for cold case murder victims' survivors who apply for case file review. These include requirements that the responsible investigative agency consult with applicants, provide them with periodic updates during any case file review or reinvestigation, and meet with applicants at the conclusion of a case file review and explain the decision whether or not to engage in a full reinvestigation.

- Do you think the proposed rule adequately defines and articulates the rights provided by the HVFRA, or if not, what should be done differently or in addition?

Sections 95.3(b)(5), 95.4, 95.6 of the Proposed Rule – Interagency Coordination

The proposed rule provides for interagency cooperation and coordination where multiple federal agencies are involved in the investigation of a cold case murder. For example, if the FBI carries out a case file review under the HVFRA in an Indian country murder it investigated, and the FBI is aware that the Bureau of Indian Affairs (BIA) also participated in the investigation, it will notify the BIA that the case is under review and will consider any information provided by the BIA. These requirements aim to ensure that reinvestigation decisions and the conduct of reinvestigations are informed by all available evidence.

Do you believe that the proposed rule's provisions adequately ensure interagency coordination where multiple investigative agencies are involved? Should it also address coordination with Tribal, State, or local agencies where they have been involved in investigating a case?