**2:01:11:04.  Investigation and dismissal of complaint.** Upon the filing of a complaint, the executive secretary shall conduct an investigation of the allegations in the complaint, in accordance with the commission's internal operating procedures for complaints against certified law enforcement officers. In conjunction with an investigation, the executive secretary may require the law enforcement officer to undergo a psychological evaluation by a psychologist designated by the executive secretary to determine the officer's ability to perform the duties of a law enforcement officer. After the investigation is concluded, the executive secretary shall give notice of a contested case hearing under SDCL chapter 1-26 or submit the complaint and any investigative report to a commission member. After examining the complaint and investigative report, the commission member must either request further investigation, direct the executive secretary to give notice of a contested case hearing, or the commission member may dismiss the complaint if it appears that the grounds alleged in the complaint are frivolous, clearly unfounded in fact, or in the opinion of the commission member, the appointing authority has adequately responded to the allegations in the complaint. If the commission member dismisses the complaint, such dismissal shall be reported to the commission at its next regularly scheduled meeting.

 **Source:** 14 SDR 81, effective December 6, 1987; 25 SDR 34, effective September 16, 1998; 47 SDR 130, effective June 6, 2021.

 **General Authority:** SDCL 23-3-35(3).

 **Law Implemented:** SDCL 23-3-35(3).