Noise at Work and Home Fatality Report

The Helena Police Department in Montana reached a $100,000 settlement with a Helena teacher who suffered hearing damage during an active shooter drill, and has since changed its training equipment to limit noise.

Lynn Trenary's lawsuit against the city was formally dismissed following the settlement. The city confirmed that it has revised its active shooter exercises to use quieter Airsoft firearms and training to not fire close to participants.

Trenary participated in active shooter training on June 10, 2016, at the Project for Alternative Learning in Helena. The exercise was intended to train teachers how to respond to a school shooting.

Trenary was 20 feet away from an officer shooting blank ammunition as part of the drill. She believed the officer was giving instructions and was trying to understand what he was saying when he fired, the lawsuit says.

Trenary experienced hearing loss and a permanent ringing in her ears called tinnitus. She was not given hearing protection or warned that shots would be fired near her and her husband. Hearing protection was later provided at her request.

The lawsuit alleged negligence on the part of the city for failing to provide hearing protection or warn participants and failing to properly train employees to safely conduct the exercise.

In response to the lawsuit, attorneys for the city of Helena acknowledge that a Helena police officer fired the blanks, but said Trenary was warned to cover her ears with her hands before the shots were fired. The city contended in court filings that the Helena Police Department was not negligent and had followed procedures and standards of care. The city also stated that it was possible Ternary's hearing loss could have come from a prior incident.

"The two blank gunshots fired from the policeman's pistol at the active shooter training caused serious permanent tinnitus and hearing loss. This has caused difficult communication problems for Lynn at work, home and socially," he said. "Lynn's family and friends are very aware of the new problems which her doctors said were directly caused by the gunshots being fired too close to her from a revolver.

"The city now uses 'airsoft' guns and bullets which when fired don't have the explosive danger of the blank bullets fired from a revolver. This change and the added care to not fire guns in close proximity to participants were positive results of this lawsuit."

The city continues to conduct active shooter exercises following the settlement.

“Active shooter trainings simulate real scenarios to help prepare individuals for the worst,” public information officer Rebecca Connors said in a statement. “The city has adapted the program to both accommodate the safety of attendees while balancing the realism of the training.”