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# Oregon Corrections Population Forecast

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October 1, 2013

## Background

The Office of Economic Analysis (OEA) produces the semi-annual Oregon Corrections Population Forecast which provides projections of the offender populations supervised by the Oregon Department of Corrections (DOC). The forecast estimates the number of inmates in the state prison system, offenders on probation, parole, post-prison supervision, and felony offenders serving sentences of 12 or fewer months in county jails.

Executive Order 95-06 and Oregon Revised Statute 184.351 direct the Department of Administrative Services (DAS) and the Corrections Population Forecasting Advisory Committee to produce the forecast. The forecast is mandated to estimate monthly populations over a ten-year period and is published April 1<sup>st</sup> and October 1<sup>st</sup> of each year. State agencies, in particular the DOC and the Oregon Criminal Justice Commission (CJC), are mandated to use the forecast for budgeting and policy development where the offender population is concerned.

The Advisory Committee, whose members are appointed by the Governor, is comprised of individuals with knowledge of the criminal justice system. Advice from the Committee forms the basis for forecast assumptions regarding policy and practices in the criminal justice system and the impact of law and policy changes on the corrections populations. Committee members bring to the forecast process decades of diverse experience in the public safety system. They meet several times prior to each forecast release to discuss forecast-related issues such as trends in crime, potential impact of new laws, changes in public safety policy or practices, and to advise technical aspects of the forecast process.

### Corrections Population Forecasting Advisory Committee

Honorable Julie Frantz (Chair)  
Kristin Wings-Yanez  
John Haroldson  
Greg Hazarabedian  
Craig Prins  
Donald Rees  
Colette Peters  
Jeffery Wood  
Jason Myers

Multnomah County Chief Criminal Judge  
Board of Parole & Post-Prison Supervision  
Benton County District Attorney  
Public Defender Services of Lane County  
Criminal Justice Commission Executive Director  
Multnomah County Deputy District Attorney  
Director Department of Corrections  
Director Marion County Community Corrections  
Marion County Sheriff

The general forecast process, the publication of the forecast (this document), and technical aspects of performing the forecast (e.g., data analysis), are managed by OEA, in partnership with the CJC, and with substantial assistance from the DOC.

For more information or questions regarding the forecast please use the following contact information:

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Department of Administrative Services  
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Salem, OR 97301-3966

## **Forecast Assumptions**

The forecast assumes that current laws and current criminal justice practices continue as they are now. It also assumes trends in criminal activity continue and demographics follow expected trends. If those or other assumptions fail, the forecast is at risk.

In the outer years of the forecast, fundamental shifts in criminal tendencies in the general population pose a risk to the forecast. For example, over the past decade overall crime rates, including serious person crimes, have declined. If that trend were to reverse itself over the coming decade, the corrections population could expand well beyond current forecast.

Criminal justice system practices have a significant effect on the flow of individuals through the court system and into the prisons. Emphasis on specific criminal activity and plea practices, for example, can change based on law enforcement policy and prosecutorial discretion. The amount of discretion in the corrections system, in particular with respect to prosecution of crimes and punishments sought, introduces a considerable degree of uncertainty to the forecast. Even if there was never a change in criminal activity or laws in Oregon, the prison population could vary considerably based on administrative procedures, policies, and individual discretion exercised in law enforcement, prosecution, plea bargaining, and sentencing by judges.

## **Forecast Methodology**

### ***Inmate Population***

The inmate forecast uses a model which simulates inmates entering prison, their length of stay in prison, and final release. The primary driver of the forecast in the short term is the release rate of the existing prison population. In the long term, new intakes drive population trends. The rate of intakes and releases results in turnover of about half the inmate population every 18 months.

The long term prison population depends primarily on the forecast of future intakes (number and lengths of stay). In contrast to releases, future prison intakes cannot be mechanically determined based on any current information. Intakes are forecasted based on the historical trend and anticipated population growth in Oregon. The trend integrates demographics, crime rates, criminal justice practices, and other factors which influence intakes and sentence lengths. The forecast assumes future intakes will be similar to what is observed in trends from the recent past. The release profile for future intakes is a function of recent patterns as well.

As a technical note, modeling the prison population relies on both the number of intakes each month and how long each inmate will stay. The forecast handles the number of expected releases by simulating the full distribution of lengths of stay. The forecast tracks the number of intakes broken down by lengths of stay in one month increments up to 10 years. The total time in months created by adding up all the individual lengths of stay for intakes is termed 'intake volume', and is measured in bed-months. For example, if intakes occurred at a fixed level of 10,000 bed-months per month for many years, the prison population size will eventually equal 10,000 beds. That would represent a steady-state population level where intakes exactly equal releases every month.

Prison intakes are the major determinant of the long term prison population size, so it is valuable to have factors which are predictive of future intakes. The size of Oregon's population, as well as its age and gender mix, are primary determinants of future intakes. Changes in criminal sentencing laws are another major factor. When sentencing laws change, the full effect on prison populations can take years to be

fully realized, but an attempt is made to estimate and incorporate the complete policy impact in the forecast as soon as the law is passed.

Various other factors have been suggested and checked for possible value in predicting future prison intakes. These include trends related to crime, the economy, student assessments, and court filings. Generally speaking, aside from population cohort sizes, there are no obvious causal (or predictive) relationships to prison trends which the forecast can rely on. Therefore, the forecast for future intakes is solely based on intake trends from the recent past with adjustments for law changes and population growth.

The final forecast is the sum of individual forecasts that explicitly break it down into smaller pieces to improve transparency and to better illuminate the potential impact of future policy reforms. Detailed forecasts are generated by gender and by offence type. This has broken the forecast down into smaller pieces which are more manageable for analysts and allow forecasters to highlight more detailed crime trends.

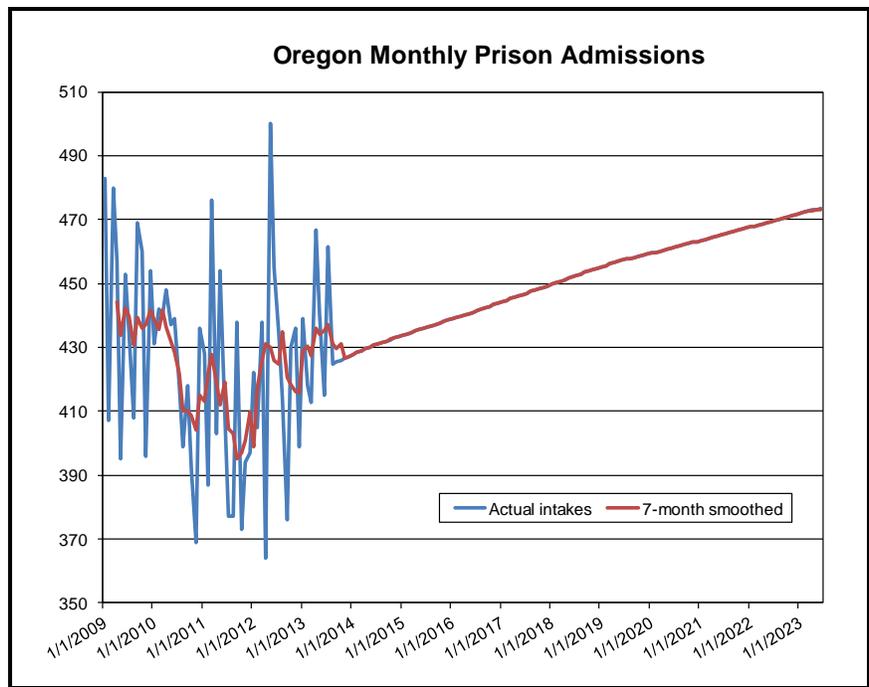
The forecast is seasonally adjusted<sup>1</sup>. It is known that the prison population oscillates in a seasonal pattern. Depending on the day of the week or month, prison populations can change by almost 100 prisoners. An algorithm has been created that simulates these variations and implements them into the current forecast. Incorporating seasonal trends explains most of the recent variability in the short-term forecast, and makes the near-term forecast considerably more accurate.

### ***Methodological Updates***

The October 2013 forecast now implements the seasonal adjustment into the three males subcategories (person, property, and statutory) to maintain consistency throughout the forecast.

### ***Intake Trends***

The number of prison intakes each month increased gradually from 2000 to 2004, but has since remained relatively flat at around 400 to 450 intakes per month. In 2009, monthly intakes increased and remained slightly elevated through mid-2010 attributable to the sentence law changes of Measure 57 (2008). With Measure 57 restarting in January 2012, a similar increase occurred in the months leading up to the latest forecast. The graph to the right exhibits admits for the last four years, as well as the forecast for total intakes over the forecast horizon. Growth in intakes is related to the forecasted increase in the at-risk (18-39) male population over the same time.



<sup>1</sup> Standard economics' "seasonal adjustment" evens out seasonal oscillation and derives underlying trends. The DOC seasonal adjustment does the opposite, it implements seasonal oscillation into underlying trends to better forecast a precise month.

### ***Release Profile of Incoming Inmates***

The graph to the right presents the release profile of recent intakes, which is a critical component in forecasting the number of inmates into the future. Note that for each given intake class, roughly half will be released within 18 months.

### ***Modeling the Inmate Population***

Conceptually, the forecast model operates as a sequence of discrete months, feeding forward from one month to the next. Each month starts with the base population for the month; i.e., a distribution of expected length of stay for inmates who are in the prison population on the first day of the month. Lengths of stay less than one month represent inmates who will be released prior to the next month and are removed from the model. The number of intakes and distribution of their lengths of stay is projected for each month and flows into the base population for the next month. The equation below represents the elements:

$$\text{Population Base (Month 2)} = \text{Population Base (Month 1)} + \text{Intakes} - \text{Releases}$$

Starting with the April 2013 forecast, the prison population has been disaggregated into four distinct subpopulations: (1) all women; (2) Male – Person Crimes; (3) Male – Property Crimes; (4) Male – Statutory Crimes. Each population is modeled separately with its own release rate, profile and intake forecast.

## **Forecast Risks**

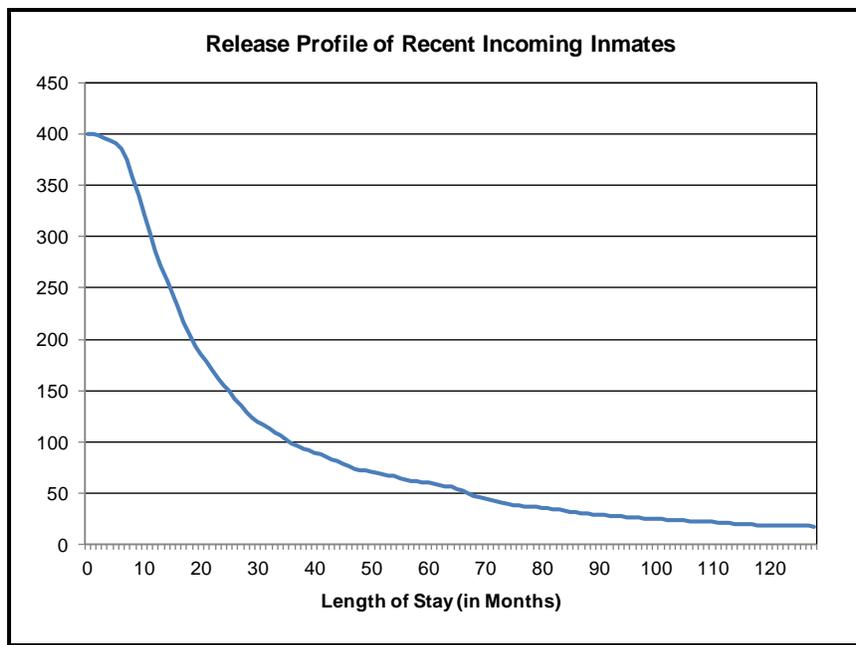
### ***Dynamic Environment***

Fundamental changes in the corrections system, or its inputs, degrade the value of historical trends in forecasting and present a considerable risk to forecast accuracy. System changes establish new relationships between criminal activity and the prison population, and those relationships cannot be known until after stability in the system is reestablished. For example, Measure 11 had considerable indirect impact on the prison population via changed plea practices. It took several years following the implementation of Measure 11 for that effect to be known.

Starting in January 2009, there have been several significant changes in the corrections system from Ballot Measure 57 (2008), HB 3508 (2009), SB 1007 (2010), Ballot Measure 73 (2010) and SB395 (2011) and most recently HB 3194 (2013). Under current law, additional changes will continue in 2013. The actual impact of these changes on the prison population will not be known for several years, and could differ from the estimates this forecast relies on.

### ***Future Policy Changes***

In recent years, most forecast errors can be traced to changes in public policy rather than demographic or behavioral changes among potential prisoners. Given the dynamic policy environment, policy changes represent the largest risk to the forecast.



As has been proven in recent years, voter initiatives have the potential to drastically change the public safety system. Traditional legislative changes are also likely, given that the Legislature now meets annually, and has received recommendations from the Governor’s Commission on Public Safety. In addition to law changes, changes in administrative practices by CJC, local courts, and the Parole Board stand to affect future populations.

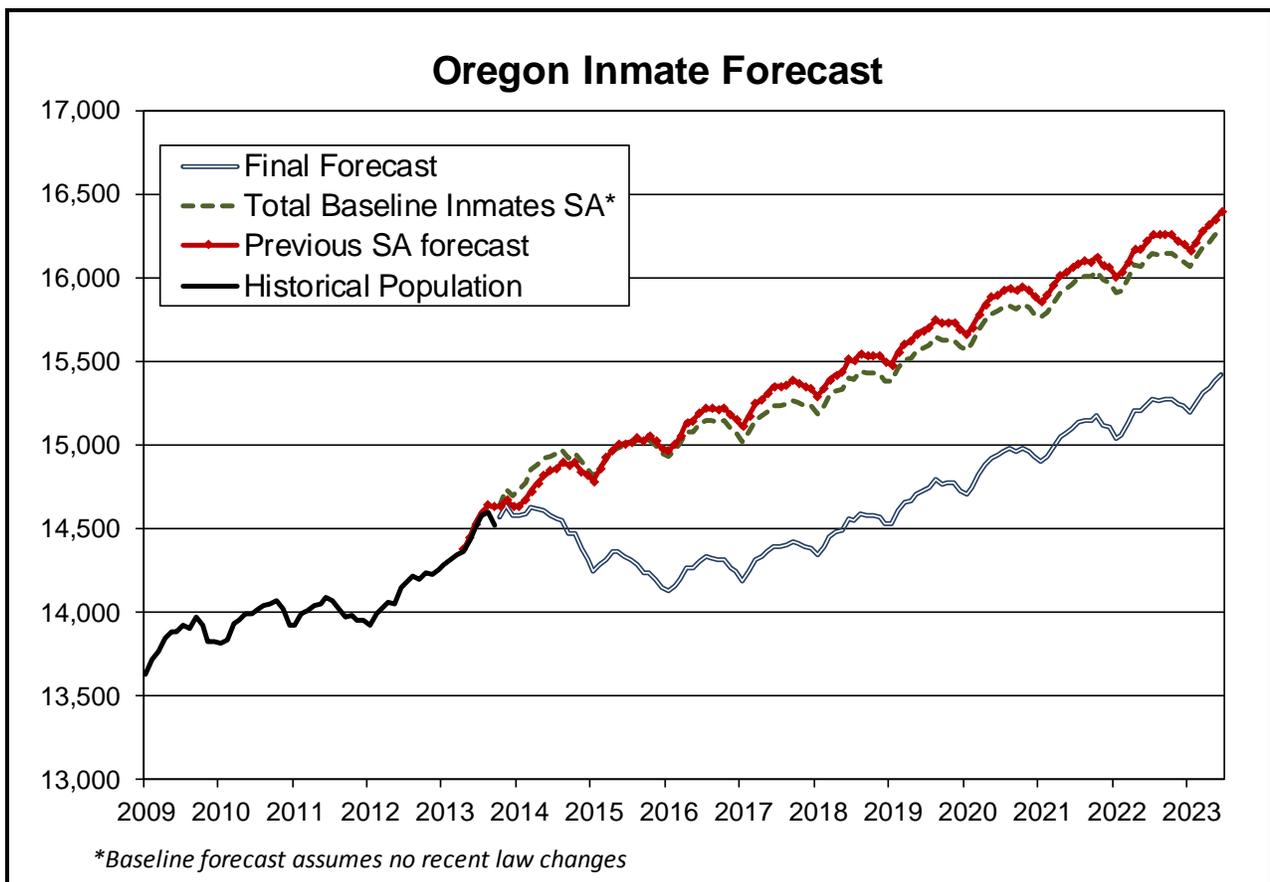
The fiscal condition of state and local governments also represents a risk to the forecast. In particular, counties which have historically received federal timber payments face significant budget risks which could impact the public safety system, and potentially change the quantity and character of felony sentences. Fewer fiscal resources dedicated to public safety would be expected to reduce the prison population in the near term, but that effect could later reverse if underlying crime rates increased.

## Forecast

### *Prison Inmate Forecast*

The number of inmates housed in Oregon's prisons, currently just under 14,600, is expected to grow to 15,425 inmates by June 2023, with growth initially being negative for the first three years due to HB 3194 and then growth occurring steadily over the rest of the forecast horizon. The October 2013 forecast estimates that over the forecast horizon (October 2013-June 2023), prison population will grow by 851 inmates which translates into a 5.8 percent increase. The baseline forecast which excludes impacts of recent law changes expects growth of 1,658 inmates (+11.3%) over the same period.

The long-term growth is driven by the projected increases in Oregon’s male population ages 18-39. The short-term decrease is driven by HB 3194.



**Male**

The graph to the right illustrates the total male inmate population forecast.

The current male forecast estimates that on June 2023 there will be 14,156 male inmates—a growth of 6.2 percent. That is 825 fewer male inmates compared to the previous forecast.

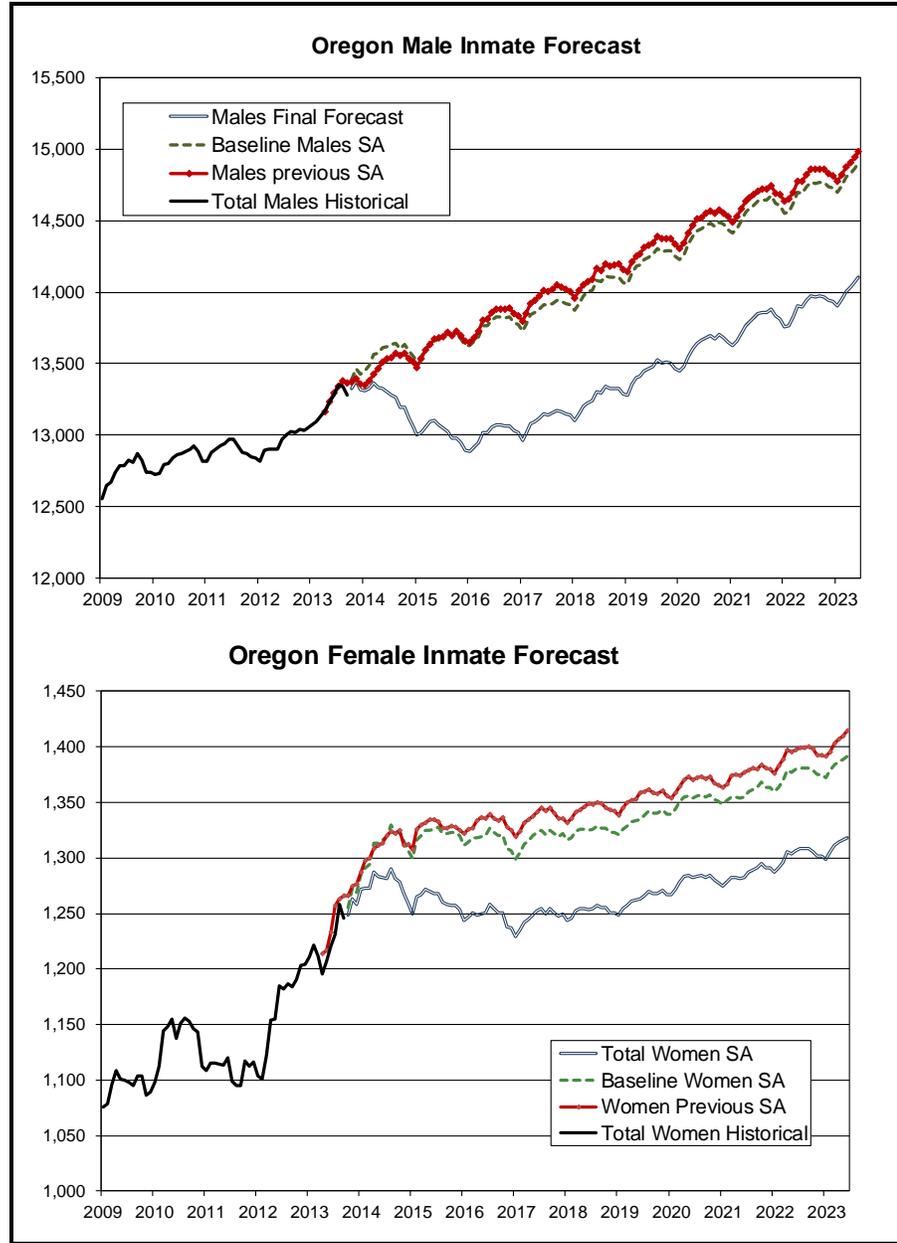
**Female**

The graph to the right illustrates the total female population forecast.

Female growth over the forecast horizon (June 2023) is 20 inmates—a 1.6 percent increase for a total of 1,269 inmates. This is 145 fewer female inmates compared to the April 2013 forecast.

**Male Person, Property and Statutory Offenders**

The updated model forecasts males by offence type<sup>2</sup>. The charts below illustrate the indexed population growth of the three categories.



Male person crimes inmates (a large portion being Measure 11 inmates) is expected to have growth of 7 percent over the forecast period. This translates into a growth of 674 inmates.

Male property crime inmates are expected to grow by 447 inmates over the next decade which translates into 19 percent growth. This strong growth is mainly due to Measure 57 effects which is slightly offset by HB 3194.

Male statutory crime inmates are expected to drop by 20.8 percent which translates into a decrease of 290 inmates over the ten-year horizon. The brunt of HB 3194’s impacts affect inmates that fall into this category.

<sup>2</sup> Many offenders that commit property, statutory or person crimes can also be convicted of other crimes. These detailed forecasts therefore estimate the population of inmates with their **highest convicted** crime, not the sum of their convictions (if there is more than one conviction).

**Changes from the April 2013 Forecast**

The April 2013 forecast predicted that at the end of the 2021-2023 Biennium (June 2023), there would be 16,395 inmates. The October 2013 forecast predicts there will be 15,425—a decrease of 970 inmates (-5.9%).

The medium-term prison forecast (end of current biennium, June 2015) has changed with the average population decreasing by 374 inmates per month. The current population estimate for June 1<sup>st</sup> 2015 forecasts 761 fewer inmates than the previous, April 2013 forecast.

**Components of Change**

There are two components of change in this forecast: updates to the model due to new empirical data and new law changes.

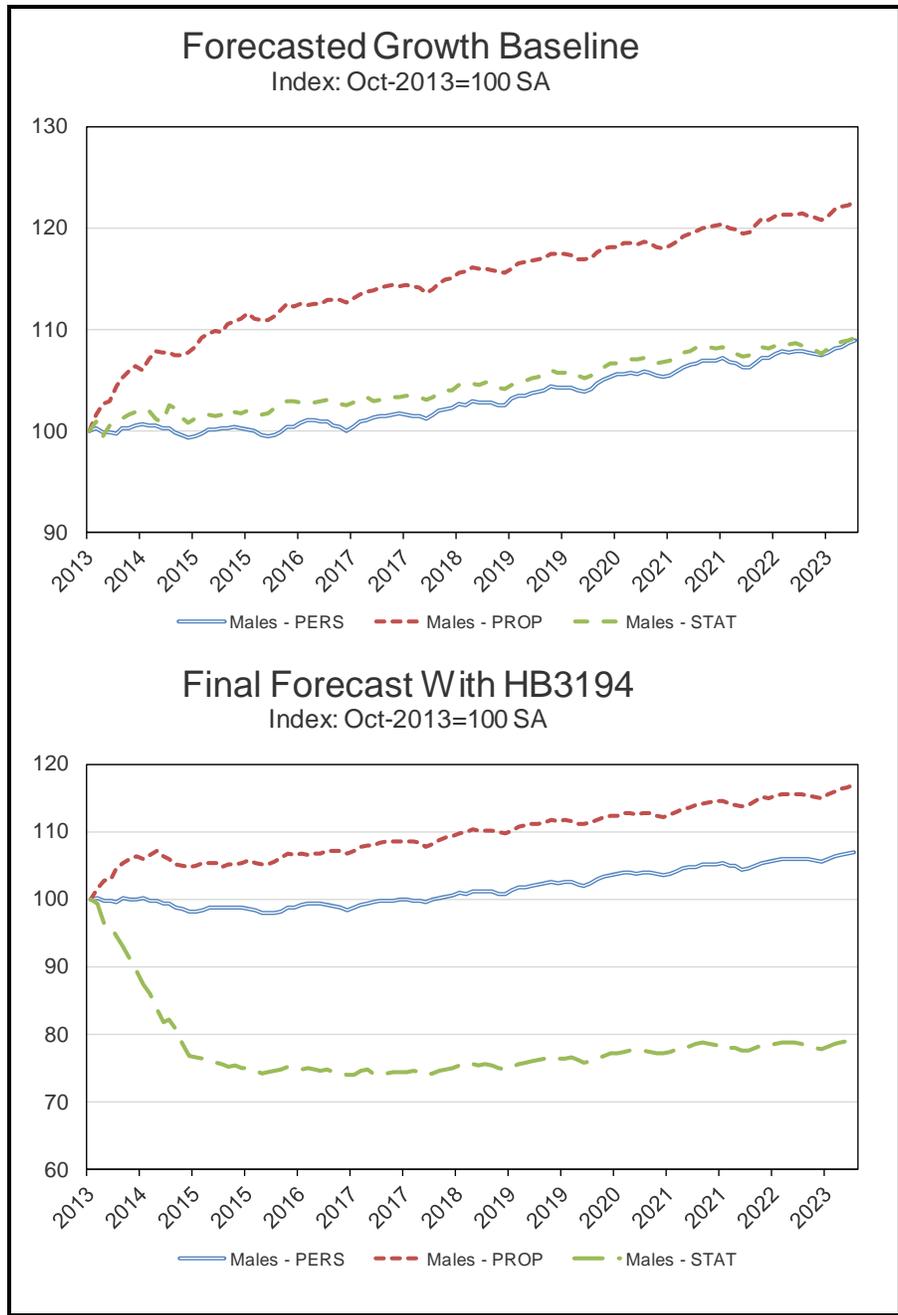
**Model Updates**

When new DOC data is input into the forecast model, changes in intakes, sentence lengths, releases, etc. are integrated and create a “new normal” within the model. This is reflected in changes to the baseline forecast.

The net effect of the baseline change is marginal at the topline. The average change to the bed count over the forecast horizon is 65 fewer beds with a slight increase in the first 17 months and a small permanent dip thereafter.

Even though the total baseline forecast has not changed much, there has been noteworthy changes to the four population subcategories (male person, property, statutory, and female populations) that comprise the final forecast.

The June 2013 forecast implemented the four individual forecasts (male person, property, statutory, and female populations) in contrast to the prior one which had two individual forecasts (males and females). After looking at six months of new data, it appeared that male property-crime inmates were initially given a low estimate.



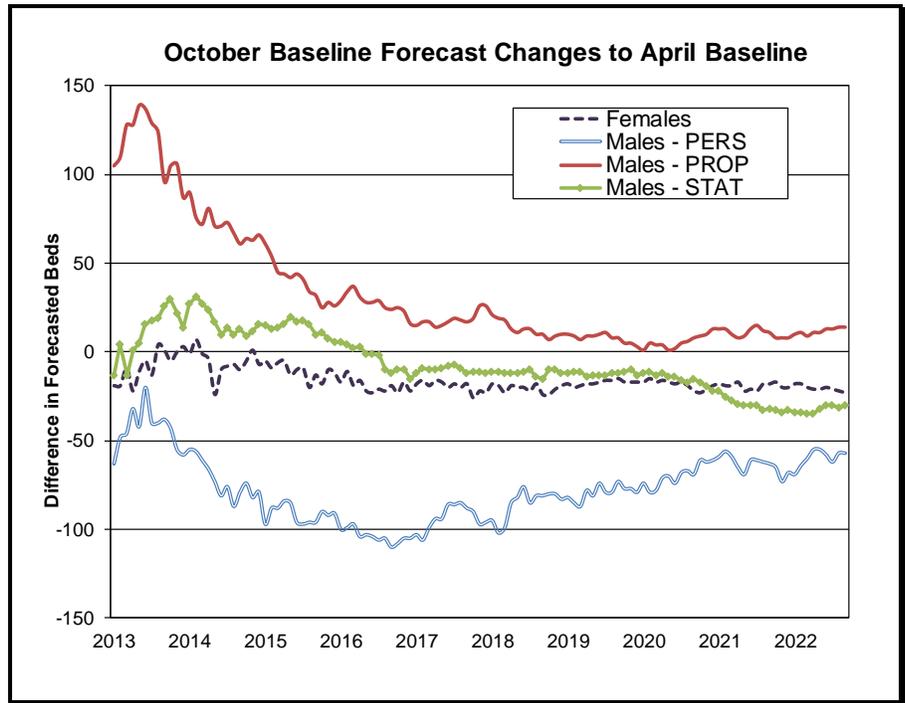
Measure 57 was the biggest influencer of property-crime growth and the full impacts of that law were not fully realized in the model. This created an underestimate of more than 100 inmates by August 2013. The updated model reflects the fuller impacts of Measure 57.

Male person crimes (mainly Measure 11), on the other hand, were overestimated throughout the previous forecast period due to low intake growth. The October forecast addresses this with a lower forecast to reflect this trend.

Male statutory and female forecasts tracked well and had minimal changes.

*New Law Impacts*

HB 3194 passed in the last legislative session and its effects are already visible in DOC data. Historically, September saw growth of about 30 inmates. September 2013 saw a drop of 77 inmates instead.



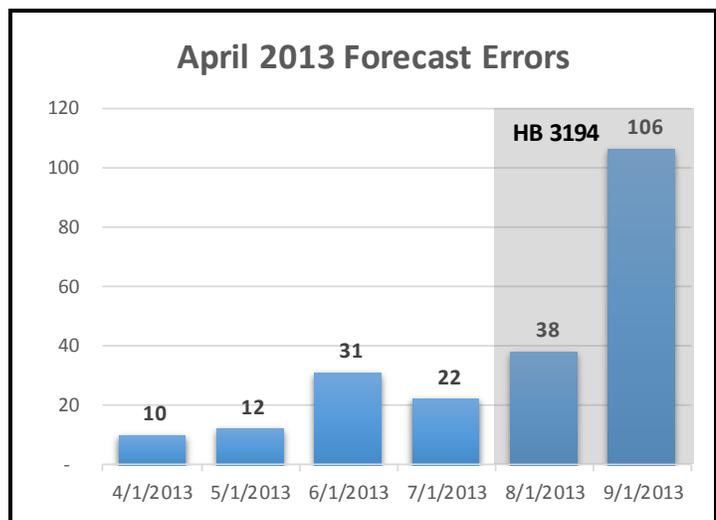
The Oregon Criminal Justice Commission, with assistance of the Oregon Office of Economic Analysis, created impact estimates for the law changes. These impact estimates are integrated into the October forecast.

This impact estimate forecasts that by June 2023 there will be 874 fewer inmates than there would be had there been no new laws. By the end of this biennium (June 2015) it estimates that there will be 748 fewer inmates. The accompanying spreadsheet has a detailed breakout of the impact estimates for HB 3194.

The sum of the updated model and new-law impacts equals total changes to the population forecast.

*Prison Inmate Prior Forecast Tracking*

The actual inmate population<sup>3</sup> has tracked below the April forecast over the past six months (see graph), with a maximum difference of 106 beds in September 2013. Overall, the prior forecast tracked well



<sup>3</sup> The official Oregon DOC inmate population has diverged from the OEA population number as of late. For example, the OEA calculates that on March 1, 2013 there were 14,346 inmates. DOC estimates it to be 14,308. These are small numbers comparatively speaking, but make a difference in our error rates. The OEA has not changed the definition of what it calls an “inmate” and will continue using the historical method. This divergence has been traced to DOC computer error that does not put the previous day’s intakes as being “in” prison.

until HB 3194 took effect and lowered the inmate bed count and created a larger bed error. There was an average error of 0.25 percent (37 people), and is well within the forecast performance target (error of 2 percent or less).

### ***Margin of Error***

Oregon HB 3194 directs that the Department of Administrative Services “Identify the forecast’s margin of error” (Section 46-3(a)). Since this forecast is a planning document for budgeting biennial DOC outlays, the margin of error is based on historical October forecasts predicting inmate population at the beginning of the two-year biennium. Historically (October 1999-October 2011 forecasts), the average error has been 61 inmates (0.4%) with a standard deviation of 1.8 percent. The October 2013 forecast estimates that the Oregon inmate population will be 14,251 on July 1<sup>st</sup> 2015. There is 95 percent confidence that the actual population will fall between 14,750 and 13,750.

A caveat to this error range is that large forecast errors are traced to law changes and the difficulty to accurately forecast a new law’s impact on the inmate population. HB 3194’s impact estimate predicts that in June 2015 there will be 748 fewer inmates than there would have been had the law not passed. There is a lot of sentencing and prosecutorial discretion that is difficult to predict. Until more empirical evidence surfaces, this initial estimate is subject to change.

Since the margin of error integrates these historical law changes and their errors, the error for the current forecast should still be well within these margins.

### ***Community Corrections***

The community corrections population involves felony offenders who are supervised by the Department of Corrections, but are not in prison. The forecast projects the felony probation caseload, local control population (incarceration in jail), and post-prison supervision and parole (Parole/PPS). Each group is forecasted separately for budgeting purposes. The community corrections forecasts rely primarily on the relatively stable historical trends in the respective populations.

The forecasts for Local Control, for Parole/Post-Prison Supervision, and for Probation populations reflect minor changes to match the most recent data on actual population sizes, as well as adjustments for laws passed during the 2013 Legislative Session. The Local Control forecast includes an adjustment to account for the sunset on the 60-day cap for technical violations (SB 730 – 2011). Senate Bill 70 (2013) would have extended this sunset, but the bill did not pass. The Parole/Post-Prison Supervision forecast was adjusted to account for the elimination of the sunset on the inactive status provision (HB 2234 – 2013).

The Local Control forecast numbers do not include jail beds occupied by repeat DUI offenders which are reimbursable under Measure 73 (2010). The reimbursement provisions of Measure 73 require separate budgeting for those beds, and, while the majority of the jail usage falls under the umbrella of Local Control, pre-trial jail time does not.

The baseline probation population forecast follows historical trends with adjustments to reflect the most recent population numbers, the resumption of Measure 57 sentencing rules, and for revoked probationers serving less jail time.

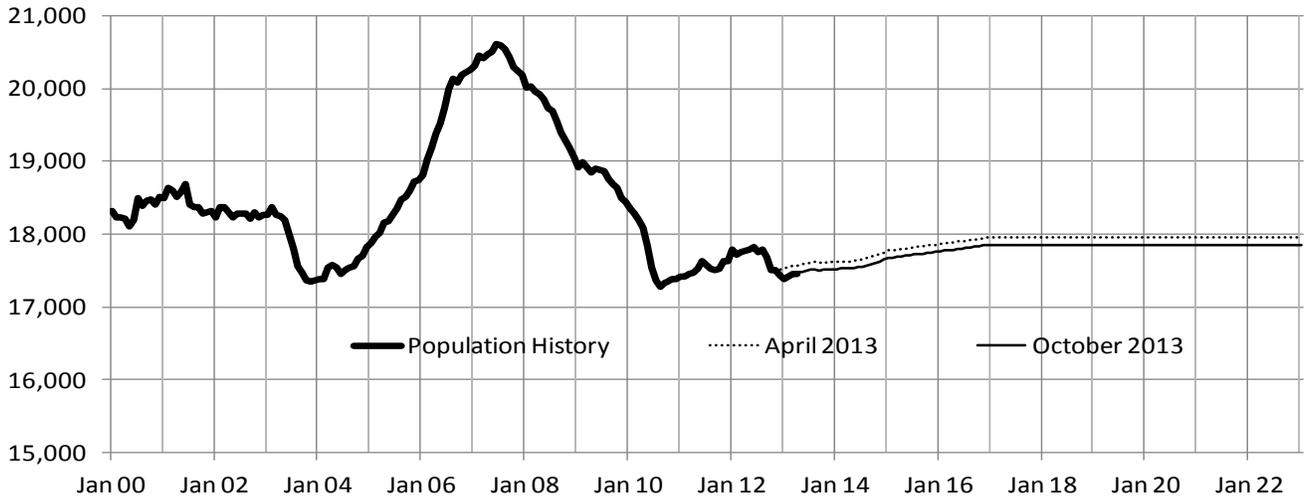
The parole population incorporates adjustments for both the resumption of Measure 57 sentencing rules and for the increased earned time included in HB 3508.

The three graphs below (next page) show the population history (heavy line), the current forecast (light line), and the previous forecast (dotted line) for the local control, the probation, and the parole/PPS population groups.

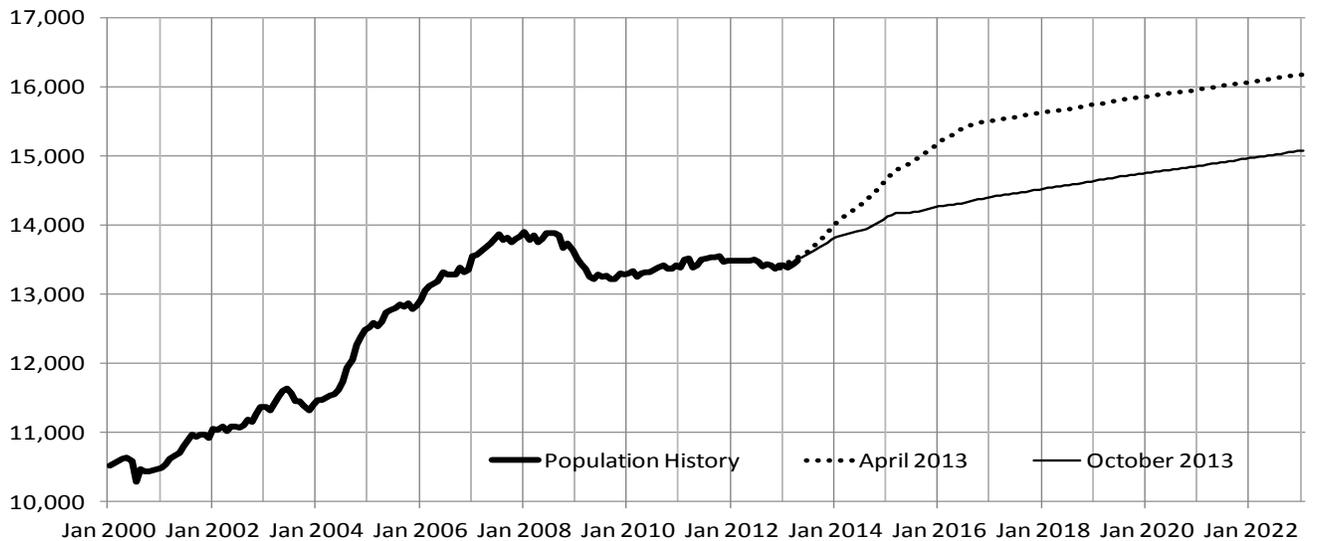
### Local Control Forecast



### Probation Forecast



### Parole / Post-Prison Supervision Forecast



## Law Change Impacts

This forecast is based on current laws and practices, meaning that projections assume crime and sentencing laws and practices will not change over the 10 year forecast horizon. Laws currently in effect, including recently enacted changes, are incorporated in the forecast. For recent law changes, the forecast applies specific adjustments; for older law changes, the effects are part of the baseline data and are determined within the model. The forecast adjustments for recent law changes generally derive from the financial/fiscal impact statements for the associated bill or ballot measure until new data become available.

For the October 2013 forecast, the most important law changes made during the recent 2013 Legislative Session are associated with House Bill 3194 (2013). This bill had a variety of components, including allowing presumptive probation for most marijuana-related crimes, reducing the crime severity of criminal driving while suspended, increasing allowing transitional leave from 30 to 90 days, and decreasing minimum mandatory sentences for select crimes. Given that these changes become effective concurrent with the update to the forecast, the impacts of these changes are made as add factors to the baseline forecast. The impact adjustments themselves are constructed by the Criminal Justice Commission.

## *Sources of Forecast Error*

Forecast error<sup>4</sup> is the difference between what was forecasted at a specific point in the future and what is actually observed when that time comes. Understanding the sources of forecast error is helpful in interpreting forecast risks.

The largest source of forecast error is associated with law changes which become effective after the forecast is released. There have been a number of laws over the past 15 years which caused, or were expected to cause, prison population changes of a magnitude significant to the forecast. The forecast does not project law changes or practical application of current law, but rather assumes the current legal environment persists unchanged across the 10-year forecast projection period.

Forecasts released following major law changes can suffer from incorrect estimates of the impact of the law change on the prison population. This is because law changes often have a significant indirect impact that is not known until it is evidenced by data, sometimes months or years later.

Regardless of law changes, there are additional sources of error with baseline forecast projections. The forecast relies on modeling the release of current prisoners and projecting the intake of future prisoners. Although the sentences pronounced in court judgments are known, the actual length of stay of an inmate in prison can vary considerably from what is expected based on the judgment. This introduces error into the model. Situations which make the length of stay indeterminate include: resentencing to a longer or shorter sentence; indeterminate parole board sentences (before the guidelines); participation and success in Alternative Incarceration Programs; time served after failure on probation or parole; death of the inmate; transfer in/out of state; amount of earned time earned; absconding or return from absconding; temporarily out for medical reasons or court appearance.

Further out in the forecast horizon, error in projecting future prison entrants can be significant. The forecast accuracy depends on the accurate projection of the number future prison intakes and their lengths of stay. Differences of as little as one percent in projected intake rates could add to an overall error of 1,000 beds over the forecast horizon. As such, the outer years of the forecast are very sensitive to the accuracy of assumptions regarding new intakes.

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<sup>4</sup> For additional information on the OEA's historical prison forecast accuracy, please refer to our historical accuracy analysis: <http://www.oregon.gov/DAS/OEA/docs/prison/DOCForecastHistoricalAccuracy2000to2012.pdf> and accompanying data: <http://www.oregon.gov/DAS/OEA/docs/prison/DOCForecastHistoricalAccuracy2000to2012.xls>

Finally, daily variation in the prison population due to intake and release activity is considerable. The population on a given day regularly deviates from the monthly average population by more than 100 beds. Therefore, the actual population on the first day of a given month can be expected to differ from the forecast value by 100 beds without concern. This also means that forecast values should be interpreted as the mid-point of a range (+/- 100) within which the actual population will fluctuate.

## Appendix: Prison Population Forecast Values

All forecast values are published in spreadsheet format and can be viewed and downloaded from the link below. The spreadsheet includes forecast data tables for the prison and community corrections forecasts and some additional forecast-related data such as: male and female forecasts; person, property and statutory forecasts; seasonally and non-seasonally adjusted forecasts; and new law impact estimates.

<http://oregon.gov/DAS/OEA/corrections.shtml>.

10/1/2013	14,574
11/1/2013	14,642
12/1/2013	14,579
1/1/2014	14,586
2/1/2014	14,595
3/1/2014	14,634
4/1/2014	14,621
5/1/2014	14,611
6/1/2014	14,578
7/1/2014	14,552
8/1/2014	14,534
9/1/2014	14,444
10/1/2014	14,428
11/1/2014	14,332
12/1/2014	14,255
1/1/2015	14,177
2/1/2015	14,206
3/1/2015	14,225
4/1/2015	14,265
5/1/2015	14,258
6/1/2015	14,251
7/1/2015	14,251
8/1/2015	14,255
9/1/2015	14,239
10/1/2015	14,238
11/1/2015	14,202
12/1/2015	14,148
1/1/2016	14,132
2/1/2016	14,161
3/1/2016	14,199
4/1/2016	14,268
5/1/2016	14,264
6/1/2016	14,306
7/1/2016	14,332
8/1/2016	14,327
9/1/2016	14,318
10/1/2016	14,318
11/1/2016	14,267
12/1/2016	14,252

1/1/2017	14,193
2/1/2017	14,247
3/1/2017	14,318
4/1/2017	14,340
5/1/2017	14,364
6/1/2017	14,399
7/1/2017	14,398
8/1/2017	14,405
9/1/2017	14,427
10/1/2017	14,414
11/1/2017	14,396
12/1/2017	14,389
1/1/2018	14,344
2/1/2018	14,394
3/1/2018	14,452
4/1/2018	14,481
5/1/2018	14,493
6/1/2018	14,557
7/1/2018	14,549
8/1/2018	14,596
9/1/2018	14,581
10/1/2018	14,584
11/1/2018	14,576
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3/1/2019	14,659
4/1/2019	14,668
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10/1/2020	14,985
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1/1/2021	14,903
2/1/2021	14,937
3/1/2021	14,993
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6/1/2021	15,098
7/1/2021	15,136
8/1/2021	15,146
9/1/2021	15,147
10/1/2021	15,177
11/1/2021	15,122
12/1/2021	15,106
1/1/2022	15,045
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4/1/2023	15,345
5/1/2023	15,386
6/1/2023	15,425